

# PRISON GRIEVANCES

WHEN TO WRITE, HOW TO WRITE

BY

**TERRI LECLERCQ**



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**DISCLAIMER:** *Prison Grievances: When to Write, How to Write*, was written by an English professor. The law prohibits English professors from providing legal advice to prisoners. The graphic-novel format emphasizes that **the content is not legal advice or representation**. You should not rely on the material within as legal authority. It is not. (*Tex. Gov't Code Section 81.101(c)*). Because the law changes frequently, and differs from state to state, I cannot guarantee that all information is current or applies to your specific prison's conditions. This book generally reflects Texas prisons. Follow your own prison system's grievance process as closely as you can. If that system cannot help your legitimate complaint then, and only then, reach out to a court— with the help of an attorney if at all possible.

**LANGUAGE AND LABELS FOR FOLLOWING THE PRISON LITIGATION REFORM ACT:** All inmates must follow the steps their particular system requires. In federal prisons, those filings have titles of BP 9, BP 10, etc. You may have already learned that each jail system has its own labels for the required grievance steps. Use them. In this graphic novel, you will see them labeled as Step 1 and Step 2, etc. Understand that you will use whatever label and language your particular jail or prison requires. ***Ask. Research. Follow the rules.***



PRAISE FOR TERRI LECLERCQ'S

# PRISON GRIEVANCES

HOW TO WRITE,  
WHEN TO WRITE

"...A ONE-OF-A-KIND TOOL FOR PRISONERS AND THEIR LOVED ONES. **PRISON GRIEVANCES** IS A MUST HAVE FOR THOSE WHO SEEK JUSTICE AND FAIR TREATMENT BEHIND PRISON WALLS."

Ana Yáñez-Correa Ph.D.  
Texas Criminal Justice Coalition, Executive Director

"THIS BOOK SEES INMATES AS HUMANS AND HELPS THEM WORK TOWARD THEIR CIVIL RIGHTS DESPITE INCARCERATION."

Ramsey Clark, United States Attorney General, 1967-1969,  
United Nations Human Rights Prize, 2008

"AN IMPORTANT AND EMPOWERING TOOL..."

Maine Prisoner Advocacy Coalition  
(MPAC)

"BRILLIANT! SO IMPORTANT!"

The John Howard Society,  
International Penal Reform

"GROUNDBREAKING!... WHY HASN'T SOMEONE DONE THIS BEFORE?"

Wade Henderson,  
CEO & President,  
The Leadership Conference on Civil and Human Rights  
and the Leadership Conference Education Fund

"THE MAIN CHARACTER IS DEALING WITH LEGITIMATE ISSUES THAT WE ALL RECOGNIZE... [IT'S] NOT A 'FEEL GOOD' BOOK..."

Gary, State Inmate  
(review from Prison Newsletter)

"IT WOULD BE AN INJUSTICE IF PRISON OFFICIALS DO NOT FIND A WAY TO MAKE THIS BOOK AVAILABLE TO INMATES."

Ken Herman,  
Austin Statesman (June 13, 2013)

"...VITAL TO PROTECTING PRISONERS' CIVIL RIGHTS."

Scott Medlock  
Texas Civil Rights Project

"GREAT CREATIVE WORK IN THE PURSUIT OF JUSTICE... GROUNDBREAKING!"

Professor John C. Brittain,  
UDC Law School, Former President of the National Lawyers Guild;  
Advisory board of the ACLU Prison Project



# PRISON GRIEVANCES: WHEN TO WRITE, HOW TO WRITE

WRITTEN BY  
**TERRI LECLERCQ**

ART / GRAYTONES

**PATRICK  
HUBIK**

ART: Pages 1, 8, 11, 18, 33, 44

GRAYS: Pages 1-33

*Additional Digital Art Wizardry  
Seen Throughout Book*

**SHAWN VAN  
BRIESEN**

ART: Pages 2-10, 12-32

GRAYS: Pages 2-5

LETTERS  
BOOK PRODUCTION  
**GREG SORKIN**

ADDITIONAL LAYOUT ASSISTANCE BY TIM DOYLE ([www.nakatomiinc.com](http://www.nakatomiinc.com))

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**IF ANYTHING IS INCORRECT, IT'S *NOT*  
THESE FOLKS' FAULT, BUT THANKS TO:**

**Scott Medlock**, attorney, Texas Civil Rights Project; **Bill Habern** and **Michelle Belanger**, Habern, O'Neil & Pawgan; **Professor Joycelyn Pollock**, School of Criminal Justice, Texas State University; **Dr. Bobbi Turner-Parker** and **Sandy Murphy**, Offender Grievance Office, Texas Department of Criminal Justice; **Kim Vernon**, State Counsel of Offenders, Texas Department of Criminal Justice; **Judge Cathy Cochran** and research attorney **Amy Wilson**, Texas Court of Criminal Appeals; **Dean Shelley Broderick**, School of Law, University of District of Columbia. Special thanks to **Stephen Goldman** (and his book, *Everyman* and comic, *Stryx Taxi*) for showing me the ropes in the early days.

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## ABOUT THE CREATIVE TEAM:

**DR. TERRI LECLERCQ** has published *Expert Legal Writing*, *Guide to Legal Writing Style*, and more than a hundred articles on rhetoric. She and husband Julius Getman live in Austin, where they both teach at the School of Law, University of Texas. *More about Terri and her work at [prisongrievances.com](http://prisongrievances.com).*

**PATRICK HUBIK** declined a bio. You know what that means. (He's Batman!). *His websites are [patrickhubik.blogspot.com](http://patrickhubik.blogspot.com); [birdmachinebird.carbonmade.com](http://birdmachinebird.carbonmade.com); and [hubik000.deviantart.com](http://hubik000.deviantart.com).*

**SHAWN VAN BRIESEN** is an artist and comic creator from Minnesota. He's done books for Zenoscope, Moonstone, as well as promotional art and storyboards. *Find his work at [empusa.com](http://empusa.com) and [shawnvانبriesen.deviantart.com](http://shawnvانبriesen.deviantart.com).*

**GREG SORKIN** is a writer, comics creator, and letterer from Chicago with a degree in Television Writing and Producing from Columbia College Chicago. *His writing, lettering and design work can be found at [gregsorkin.com](http://gregsorkin.com) and/or [monkeysplostypewriters.com](http://monkeysplostypewriters.com).*

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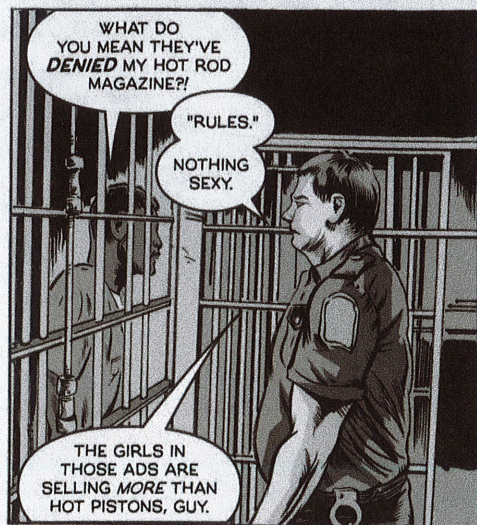
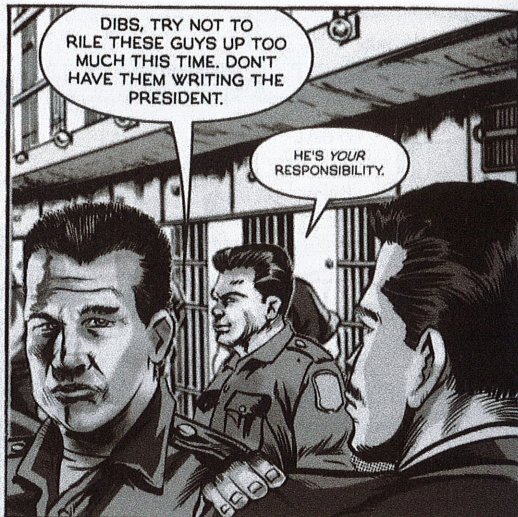
A YEAR EARLIER













GOOD MORNING, EVERYBODY. I'M MR. DIBS, AND I'M A VOLUNTEER LAWYER.

FOR SPECIFIC HELP WITH YOUR SPECIFIC CASE, YOU'LL NEED ANOTHER LAWYER.

I'M YOUR OVERVIEW GUY.

MR. DIBS  
O  
N  
T  
I  
D  
GRIEVANCES

I'M HERE TO TALK TO YOU ABOUT **YOUR IN-HOUSE RIGHTS.**

EXACTLY. YOU CHECKED **MOST OF THEM** AT THE DOOR.

SO LET'S START WITH MY NAME: **DIBS.**

AS YOU SEE, IT STANDS FOR "DON'T BE STUPID."

WHAT THAT MEANS IS, SPEAK UP, COMPLAIN **ONLY** WHEN YOU HAVE SOMETHING **REAL** TO COMPLAIN ABOUT...

NOT YET, UM... AWAD?

YEAH.

NOT YET.

SO YOUR JOB IS TO TAKE CARE OF YOURSELF WHILE YOU'RE INSIDE.

IF SOMETHING **IS** REALLY WRONG HERE AND YOU WANT TO GET YOUR COMPLAINTS HEARD, YOU HAVE TO FOLLOW THE **RULES...**

THAT MEANS YOU HAVE TO **KNOW AND FOLLOW** THE STEPS IN THE GRIEVANCE SYSTEM.

EXCEPTION: YOU CAN WRITE DIRECTLY TO A COURT IF YOU HAVE A PHYSICAL THREAT/LIFE EMERGENCY.

**IMPORTANT:** FOR **SPECIFIC HELP**, SEE A **SPECIFIC LAWYER.**





MR. DIBS, YOU GOTTA KNOW... THE C.O.'S, THE BOSSES-- THEY DON'T SPEND A LOT OF TIME CRYING OVER US.

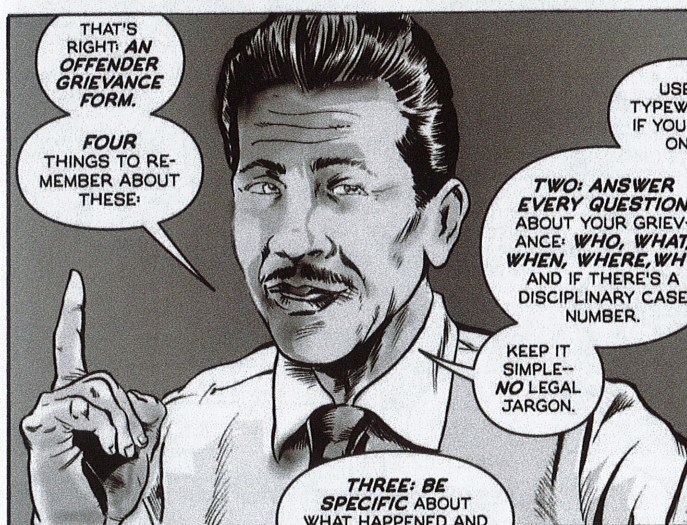
THE SYSTEM SUCKS. WE ALL KNOW IT. I CAN'T CHANGE THAT.

USE THE GRIEVANCE SYSTEM, OR YOU WON'T EVEN HAVE A CHANCE.

SO, IF THE STAFF CAN'T FIX THE PROBLEM, THEN YOU...?



...FILL OUT A STEP 1?



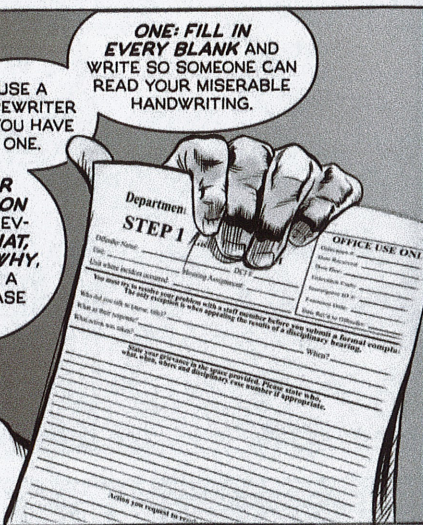
THAT'S RIGHT: AN OFFENDER GRIEVANCE FORM.

FOUR THINGS TO REMEMBER ABOUT THESE:

**TWO: ANSWER EVERY QUESTION ABOUT YOUR GRIEVANCE: WHO, WHAT, WHEN, WHERE, WHY, AND IF THERE'S A DISCIPLINARY CASE NUMBER.**

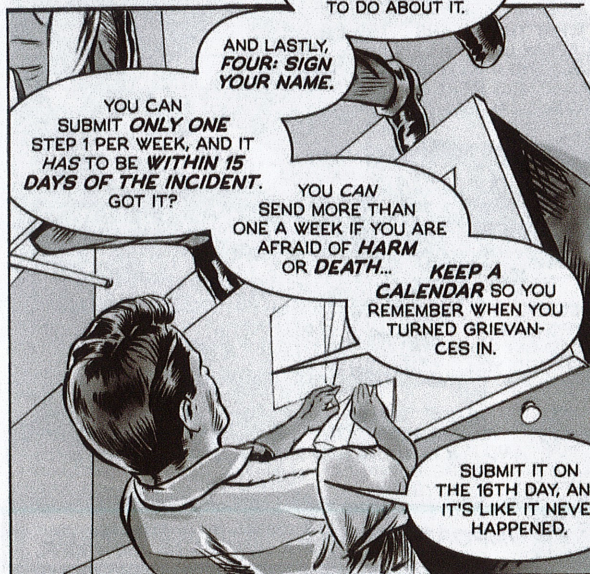
KEEP IT SIMPLE-- NO LEGAL JARGON.

**THREE: BE SPECIFIC ABOUT WHAT HAPPENED AND WHAT YOU WANT THEM TO DO ABOUT IT.**



**ONE: FILL IN EVERY BLANK AND WRITE SO SOMEONE CAN READ YOUR MISERABLE HANDWRITING.**

USE A TYPEWRITER IF YOU HAVE ONE.



AND LASTLY, **FOUR: SIGN YOUR NAME.**

YOU CAN SUBMIT **ONLY ONE** STEP 1 PER WEEK, AND IT HAS TO BE **WITHIN 15 DAYS OF THE INCIDENT.** GOT IT?

YOU CAN SEND MORE THAN ONE A WEEK IF YOU ARE AFRAID OF HARM OR DEATH...

**KEEP A CALENDAR** SO YOU REMEMBER WHEN YOU TURNED GRIEVANCES IN.

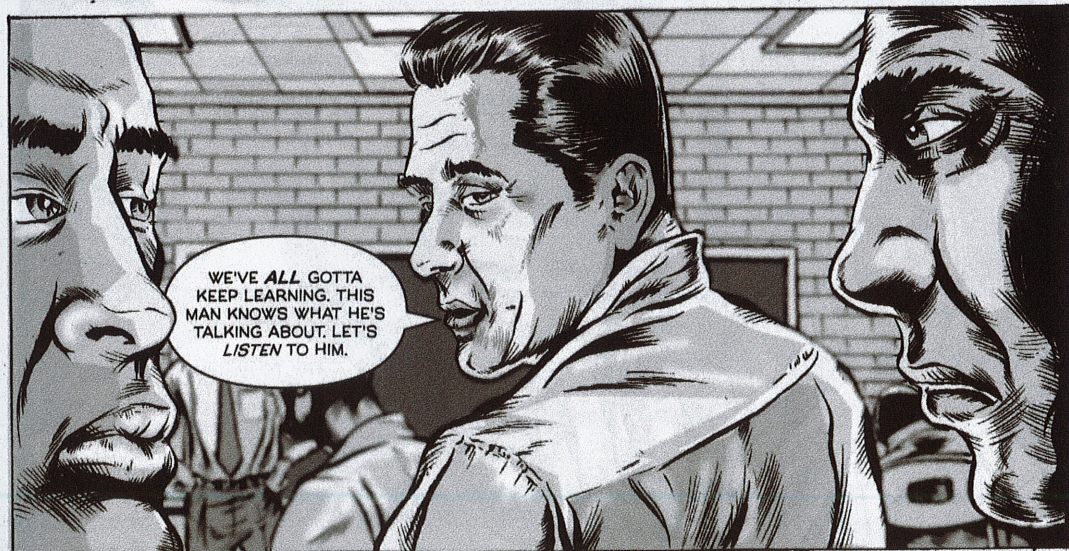
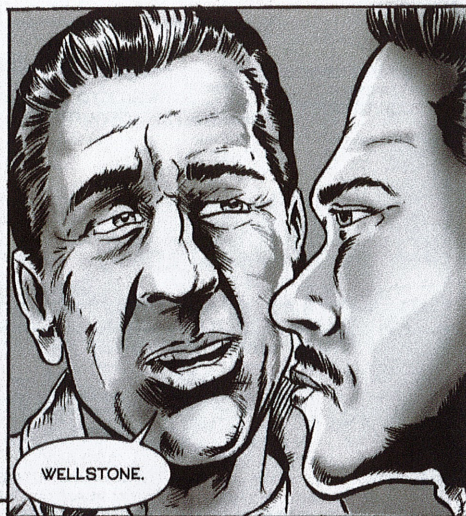
SUBMIT IT ON THE 16TH DAY, AND IT'S LIKE IT NEVER HAPPENED.



IF YOU SUBMIT LATE, YOU'D BETTER HAVE A TERRIFIC REASON. **TELL THE GRIEVANCE OFFICE WHAT YOUR REASON IS.**

LIKE YOUR HAND WAS BROKEN.







THE UNIT GRIEVANCE INSPECTOR HAS **40 DAYS** TO SEND YOU A RESPONSE TO YOUR STEP 1.

OR THEY CAN FILE AND GET AN EXTENSION.

IF YOU DON'T GET A RESPONSE IN 40 DAYS AND THEY *DON'T* SEND YOU AN EXTENSION? WRITE TO THE GRIEVANCE OFFICER. THEN FILE A **STEP 2...**

IF THEY TURN DOWN THE STEP 1, **YOU CAN APPEAL WITH A STEP 2.**

I'VE BEEN HERE **SIX YEARS!**

THEY DON'T LISTEN AROUND HERE ANYWAY. I TAKE CARE OF IT MY WAY. I DON'T NEED NO BABY-STEP FORMS.

IN STEP 2, EXPLAIN *WHY* THEY MADE A MISTAKE IN THEIR DECISION.

ADD ANY FORGOTTEN DETAIL IF YOU PLAN TO FILE IN COURT LATER.

"LUCKY YOU, LUIS. BUT *WE* HAVE TO FOLLOW THE **RULES**."

"THINK OF THIS AS THE BIGGEST POKER GAME YOU'VE EVER BEEN IN. THE **HOUSE** HAS THE TABLE AND OWNS THE DECK."

"IT'S *POSSIBLE* FOR YOU TO WIN-- *IF* YOU KNOW THE ODDS AND THE RULES."

"THE BOSSES-- AND MAYBE LATER, THE COURT-- WILL LOOK FIRST TO SEE IF YOU FOLLOWED THE RULES."

"IF YOU DID, *THEN* THEY LOOK AT THE PROBLEM."

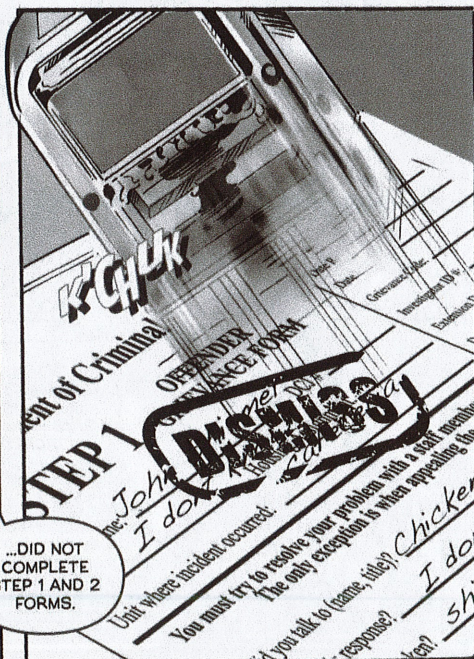
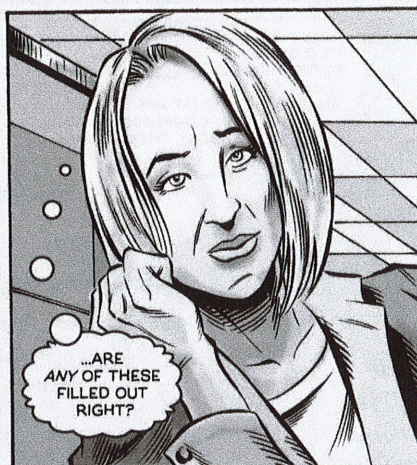
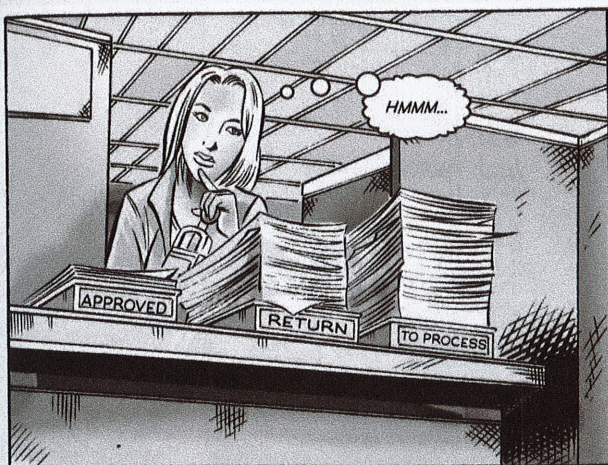
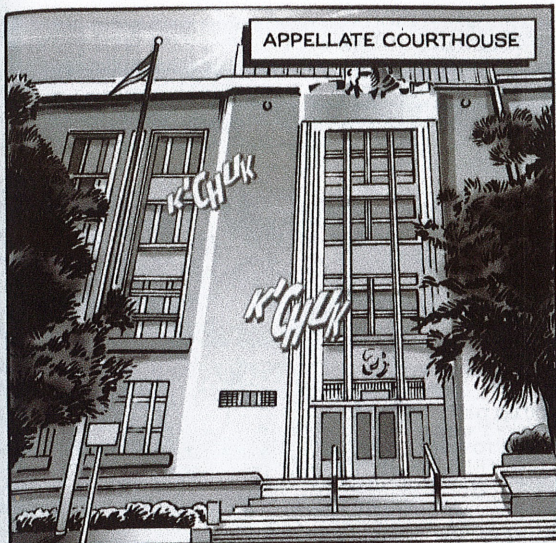
BREAKING OR IGNORING THE RULES IS WHAT GOT ALL OF US IN HERE.

LEARNING AND FOLLOWING RULES IS HOW WE CAN STAND UP FOR OUR RIGHTS INSIDE HERE.

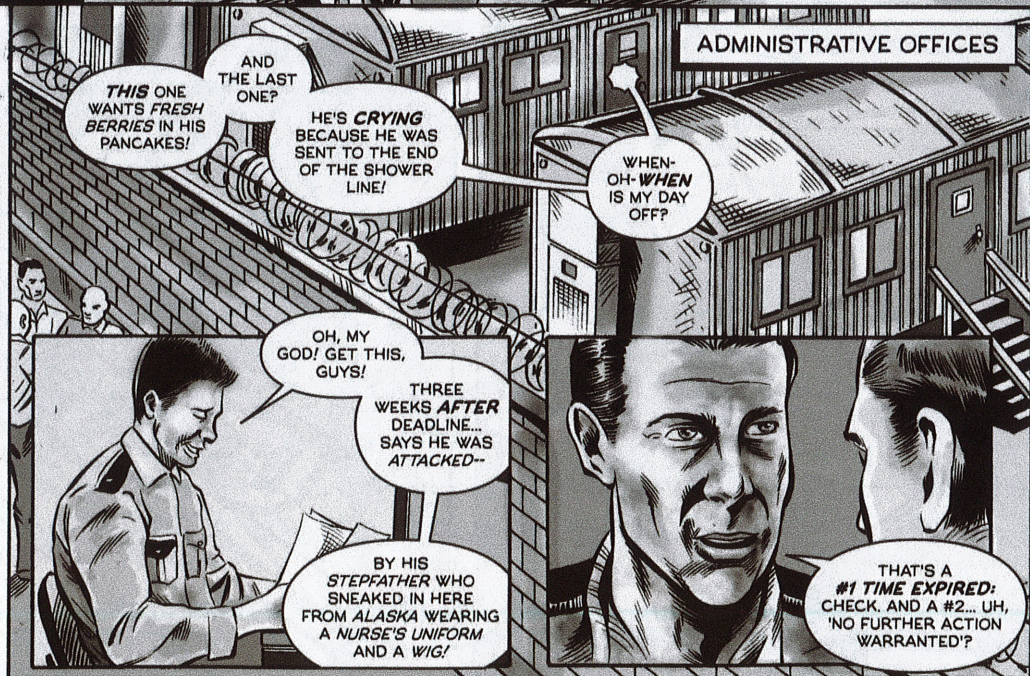
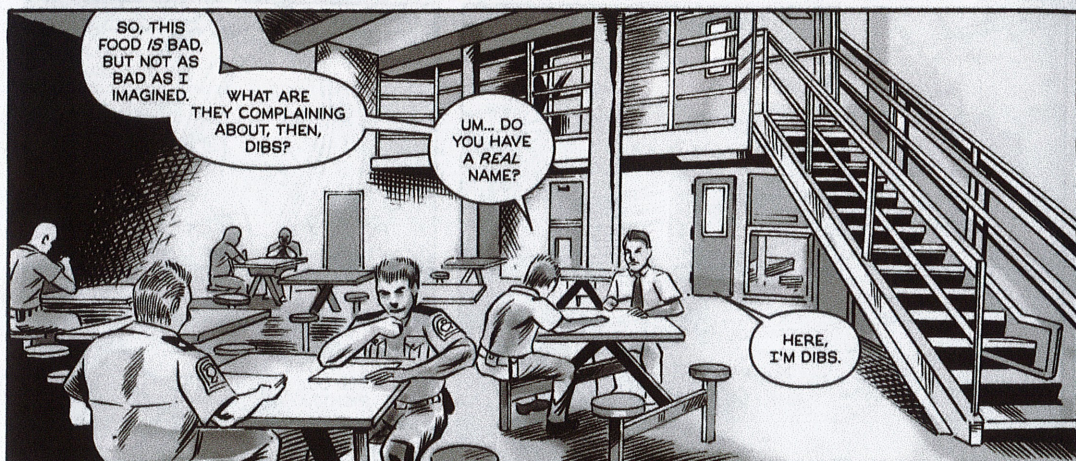
TRY TO IMAGINE IF YOU WERE THE BOSS. THEN READ YOUR GRIEVANCE.

WHAT WOULD CONVINCE *YOU*?

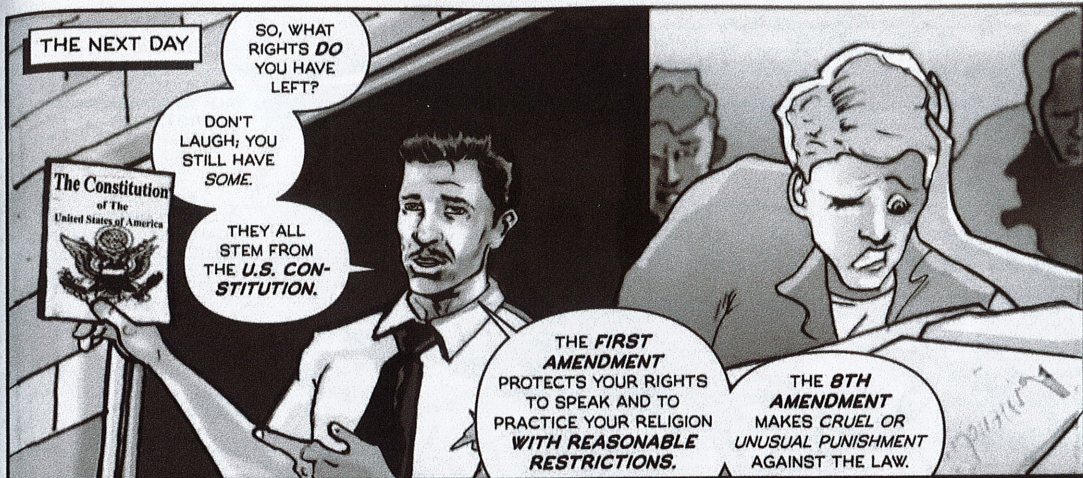
















FIRST OFF, IF YOU CAN, YOU SHOULD TALK OVER ANY PROBLEMS WITH THE PRISON STAFF.

IF YOU DON'T TALK TO OFFICIALS **FIRST**, YOUR COMPLAINT'LL BE KICKED BACK.

**TAKE NOTES** SO YOU'LL REMEMBER NAMES, DATES, ETC. THEN IF THE SYSTEM DOESN'T CORRECT YOUR PROBLEM, YOU'LL HAVE YOUR FACTS STRAIGHT FOR A LAWYER.

LIKE, IF YOU'RE SICK, YOU HAVE TO **PROVE** TO OUTSIDE AUTHORITIES THAT YOU FILLED OUT A **SICK FORM** AND ASKED FOR TREATMENT.

**KEEP A RECORD.**

OR IF YOU WERE ASSAULTED, YOU SHOULD **REPORT** IT TO YOUR **C.O.** OR BOSS.

IF YOUR LIFE'S IN **DANGER**, **REPORT IT IMMEDIATELY.**

AND, IF AN OFFICIAL ACTUALLY KNEW IT AND WAS **SUPPOSED** TO HELP, BUT **DIDN'T**-- YOU MAY HAVE A CASE. **YOU HAVE TO** BE ABLE TO **IDENTIFY WHO** IT WAS, AND **WHEN**, AND **WHAT** SHOULD HAVE HAPPENED.

**USE ANYTHING-- ANY REQUEST TO AN OFFICIAL-- ANYTHING.**

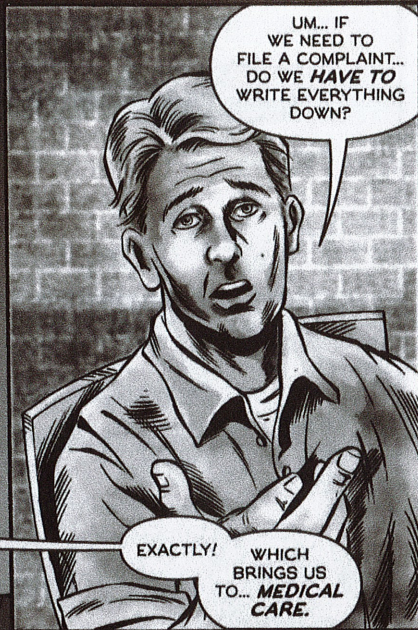
COMPLAINTS





MEDICAL CARE

OKAY, CLASS--  
WHAT DID  
WE LEARN?



UM... IF  
WE NEED TO  
FILE A COMPLAINT...  
DO WE **HAVE** TO  
WRITE EVERYTHING  
DOWN?

EXACTLY!

WHICH  
BRINGS US  
TO... **MEDICAL  
CARE.**

YOU HAVE A RIGHT TO  
**ADEQUATE** MEDICAL,  
DENTAL, AND MENTAL  
HEALTH CARE.

"ADEQUATE" MEANS  
MEDICAL CARE, WITH  
DECISIONS FROM MEDICAL  
**PROFESSIONALS**, FOR  
A REALLY SERIOUS  
PROBLEM.

IF YOU GET  
**REALLY SICK**, IF YOU  
HAVE **TERRIBLE PAIN**  
IN YOUR TEETH, IF YOU'RE  
**FEELING DEPRESSED** OR  
SUICIDAL, YOU HAVE  
THE **RIGHT** TO  
BE TREATED.

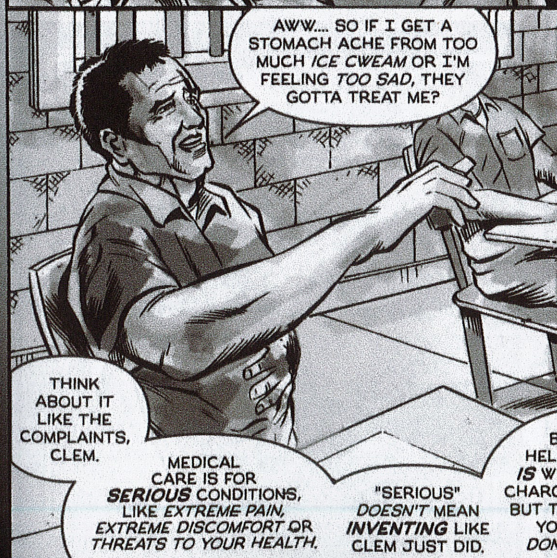


\$HACK\$

\$COUGH\$



MEDICAL CARE



AWW... SO IF I GET A  
STOMACH ACHE FROM TOO  
MUCH **ICE CREAM** OR I'M  
FEELING **TOO SAD**, THEY  
GOTTA TREAT ME?

THINK  
ABOUT IT  
LIKE THE  
COMPLAINTS,  
CLEM.

MEDICAL  
CARE IS FOR  
**SERIOUS** CONDITIONS,  
LIKE **EXTREME PAIN**,  
**EXTREME DISCOMFORT** OR  
**THREATS TO YOUR HEALTH**.

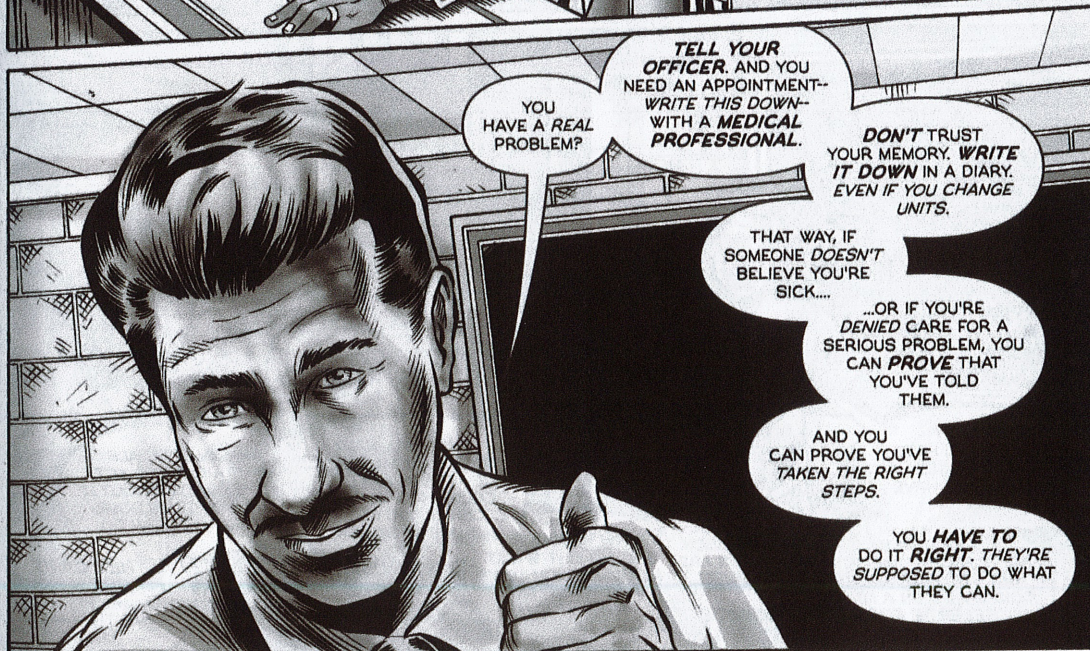
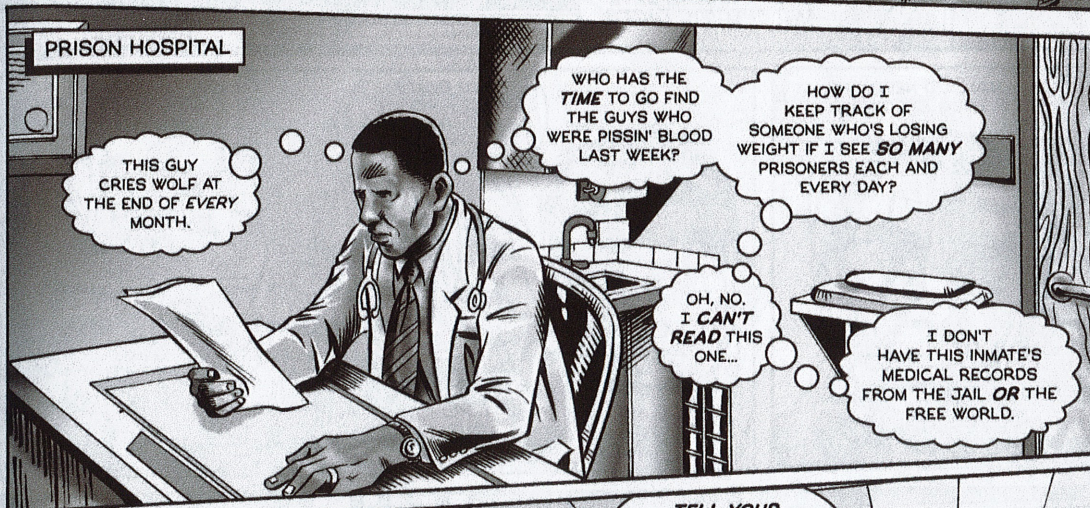
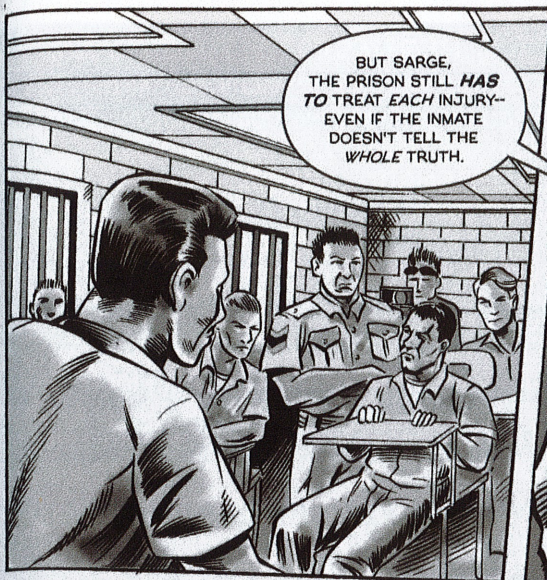
"SERIOUS"  
DOESN'T MEAN  
**INVENTING** LIKE  
CLEM JUST DID.

BUT **ASK** FOR  
HELP IF SOMETHING  
**IS** WRONG. YES, THEY  
CHARGE YOUR ACCOUNT.  
BUT THEY **CAN'T** TURN  
YOU AWAY IF YOU  
DON'T HAVE MONEY.

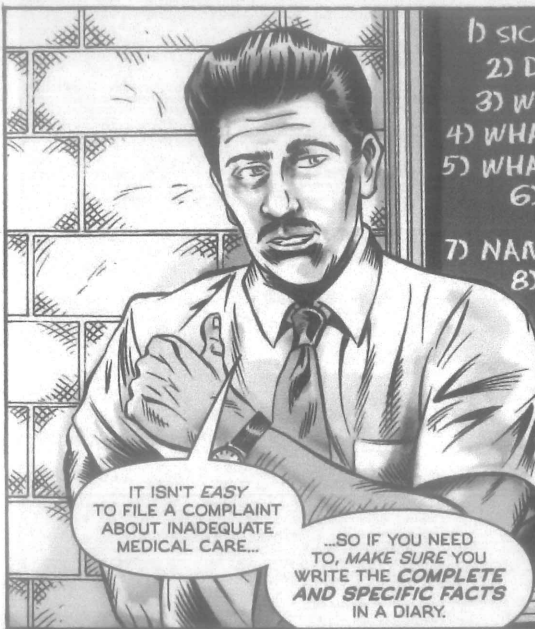












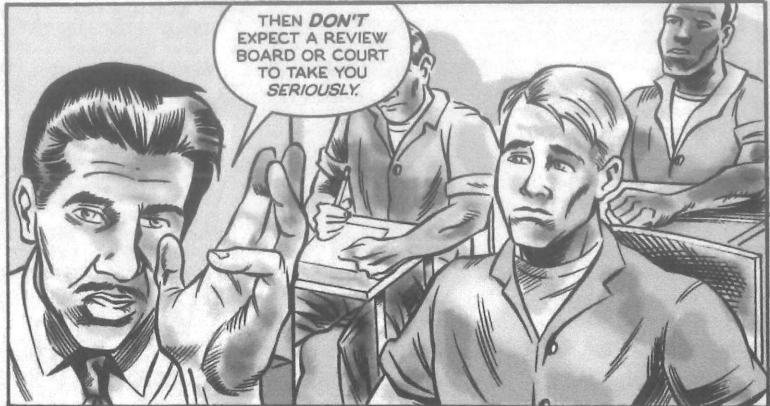
- 1) SICK CALLS: REQUESTS FOR MEDICAL CARE
- 2) DATES YOU ASKED FOR MEDICAL CARE
- 3) WHO YOU WROTE, ASKING FOR MEDICAL CARE
- 4) WHAT YOU SAID WAS SPECIFICALLY WRONG
- 5) WHAT HAPPENED? - WHY DIDN'T YOU GET HELP?
- 6) DATES WHEN YOU DID GET HELP  
(DON'T LEAVE THIS OUT)
- 7) NAME(S) OF MEDICAL STAFF THAT EXAMINED YOU
- 8) WHAT FOLLOW-UP CARE THE STAFF ORDERED FOR YOU
- 9) DID YOU RECEIVE THAT FOLLOW-UP CARE?  
(IF NOT, WHY NOT? DID AN OFFICER REFUSE TO TAKE YOU?)
- 10) DID THE TREATMENT WORK? HOW WELL?
- 11) ANY COMPLAINTS YOU MADE, AND TO WHOM
- 12) ANY WRITTEN COMPLAINT YOU MADE ABOUT NOT GETTING THE RIGHT CARE  
(WHEN DID YOU FILE IT?)

IT ISN'T EASY  
TO FILE A COMPLAINT  
ABOUT INADEQUATE  
MEDICAL CARE...

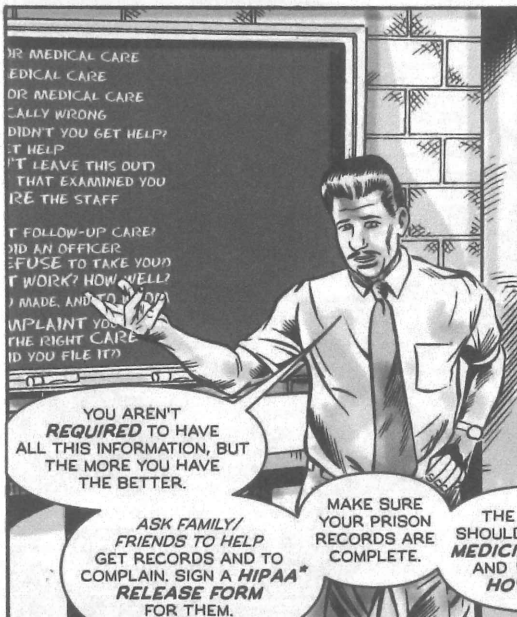
...SO IF YOU NEED  
TO, MAKE SURE YOU  
WRITE THE **COMPLETE  
AND SPECIFIC FACTS**  
IN A DIARY.



MAN, I'D NEED ONE  
OF THEM SEC'TAIRIES...



THEN **DON'T**  
EXPECT A REVIEW  
BOARD OR COURT  
TO TAKE YOU  
SERIOUSLY.



YOUR MEDICAL CARE  
MEDICAL CARE  
OR MEDICAL CARE  
CALLY WRONG  
DIDN'T YOU GET HELP?  
T HELP  
T LEAVE THIS OUT?  
THAT EXAMINED YOU  
RE THE STAFF

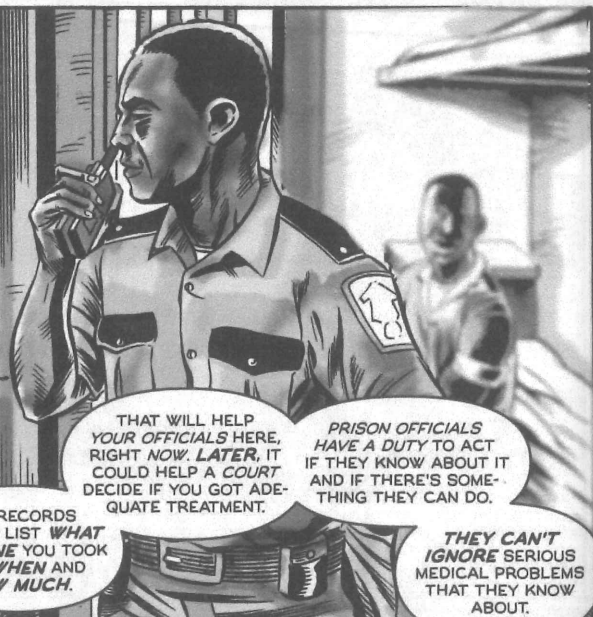
T FOLLOW-UP CARE?  
DID AN OFFICER  
REFUSE TO TAKE YOU?  
T WORK? HOW WELL?  
MADE, AND TO WHOM  
PLAINT YOU MADE  
THE RIGHT CARE  
D YOU FILE IT?

YOU AREN'T  
**REQUIRED** TO HAVE  
ALL THIS INFORMATION, BUT  
THE MORE YOU HAVE  
THE BETTER.

ASK FAMILY/  
FRIENDS TO HELP  
GET RECORDS AND TO  
COMPLAIN. SIGN A **HIPAA\***  
**RELEASE FORM**  
FOR THEM.

MAKE SURE  
YOUR PRISON  
RECORDS ARE  
COMPLETE.

THE RECORDS  
SHOULD LIST **WHAT  
MEDICINE** YOU TOOK  
AND **WHEN** AND  
**HOW MUCH.**

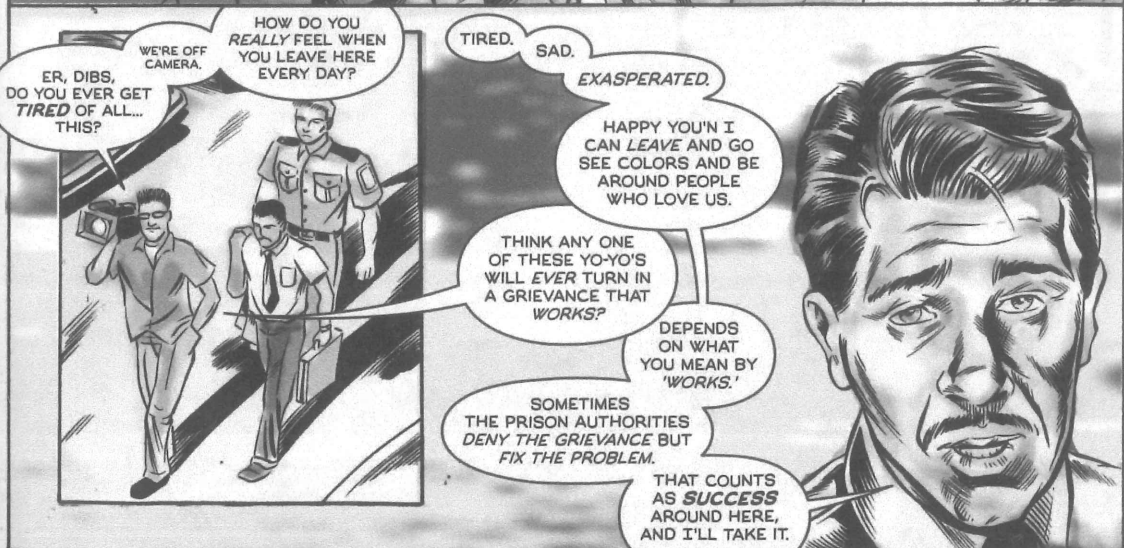


THAT WILL HELP  
YOUR OFFICIALS HERE,  
RIGHT NOW. **LATER**, IT  
COULD HELP A **COURT**  
DECIDE IF YOU GOT ADE-  
QUATE TREATMENT.


PRISON OFFICIALS  
HAVE A DUTY TO ACT  
IF THEY KNOW ABOUT IT  
AND IF THERE'S SOME-  
THING THEY CAN DO.

**THEY CAN'T  
IGNORE** SERIOUS  
MEDICAL PROBLEMS  
THAT THEY KNOW  
ABOUT.









YOU CAN  
TELL THERE'S A  
DISCONNECT.

WE  
TEACH THEM  
THE RULES. THEY  
TELL US THE PRISON  
DOESN'T FOLLOW  
THE RULES.

?!

SO  
YOU'LL WANT  
TO LEAVE YOUR  
FILM'S VIEWERS  
ASKING "WHY NOT."  
RIGHT?



I'LL EDIT ANY-  
THING OUT THAT MAKES  
YOU LOOK STUPID. JUST  
GO ALONG WITH  
US, OK?

LET'S SAY SOME  
BOZO WALKS IN HERE,  
PRETENDING IT'S *NOT* ABOUT  
HIM BUT WANTS TO KNOW  
WHAT HIS "BUDDY" CAN  
DO ABOUT RAPE.

"HE" DOESN'T  
WANT ANYONE ELSE  
TO KNOW AND ASKS HIS  
CLOSEST LIBRARIAN.  
THAT'S YOU.

POSTERS HUNG  
UP ALL OVER TELL  
THEM ABOUT THE PRISON  
RAPE ELIMINATION ACT  
AND THE SAFE PRISONS  
PROGRAM.

DAY THREE

PRISON LAW LIBRARY

THREE: **INSIST**  
ON IMMEDIATE  
MEDICAL HELP  
AND AN EXAM.

YOU HAVE A  
**RIGHT** TO A RAPE  
EXAM IF YOU REPORT  
IT SOON ENOUGH  
**WITHIN 96**  
**HOURS.**

FOUR: IF YOU  
SHOWER OR BRUSH  
YOUR TEETH OR TAKE  
A SHIT OR CHANGE  
CLOTHES, YOU **CAN**  
MESS UP EVIDENCE.

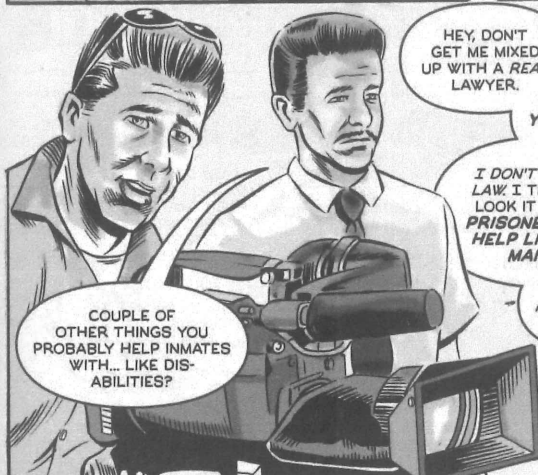
WELL, LET'S JUST  
PRETEND, BETWEEN YOU,  
ME AND THE CAMERA HERE,  
THAT MY AUDIENCE CAN'T  
READ THESE WALL  
POSTERS.

TALK.

YOUR SUPPOSED  
'BOZO' IS ALREADY  
LATE ON ALL THIS.  
BUT OK...

ONE: **REPORT** THE  
ATTACK **IMMEDIATELY**  
TO THE **CLOSEST**  
**STAFF**

TWO: IF THEY  
DON'T DO ANY-  
THING, **REPORT IT**  
TO O.I.G. **ASAP**



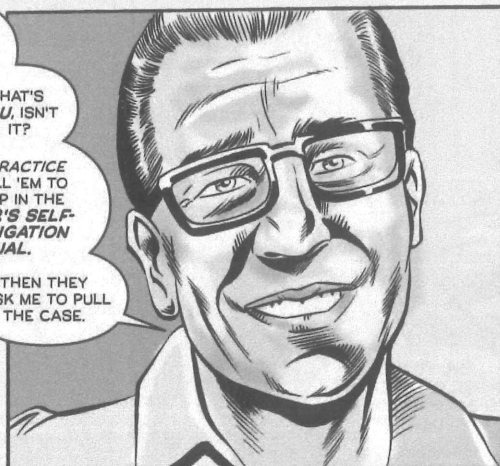
COUPLE OF  
OTHER THINGS YOU  
PROBABLY HELP INMATES  
WITH... LIKE DIS-  
ABILITIES?

HEY, DON'T  
GET ME MIXED  
UP WITH A REAL  
LAWYER.

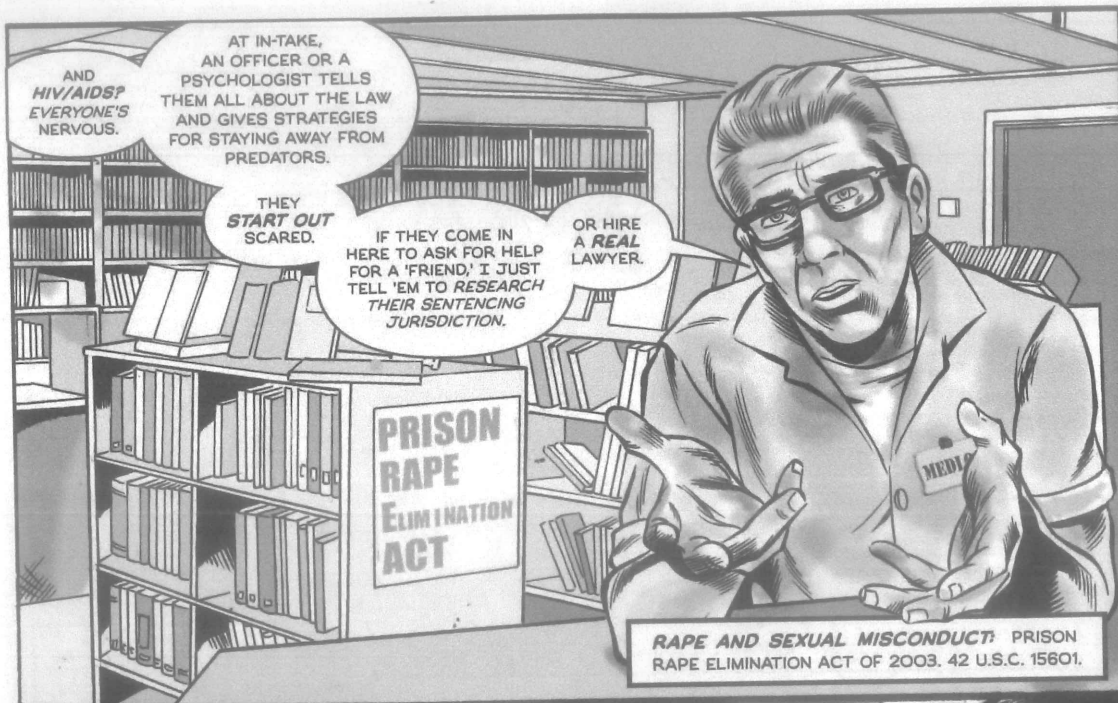
THAT'S  
**YOU**, ISN'T  
IT?

I DON'T PRACTICE  
LAW. I TELL 'EM TO  
LOOK IT UP IN THE  
**PRISONER'S SELF-  
HELP LITIGATION**  
**MANUAL.**

THEN THEY  
ASK ME TO PULL  
THE CASE.







AND HIV/AIDS? EVERYONE'S NERVOUS.

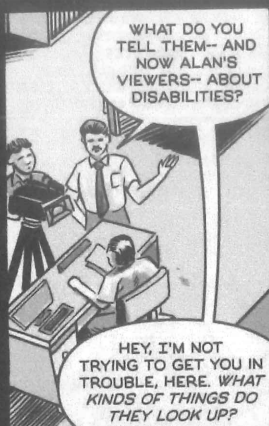
AT IN-TAKE, AN OFFICER OR A PSYCHOLOGIST TELLS THEM ALL ABOUT THE LAW AND GIVES STRATEGIES FOR STAYING AWAY FROM PREDATORS.

THEY START OUT SCARED.

IF THEY COME IN HERE TO ASK FOR HELP FOR A 'FRIEND,' I JUST TELL 'EM TO RESEARCH THEIR SENTENCING JURISDICTION.

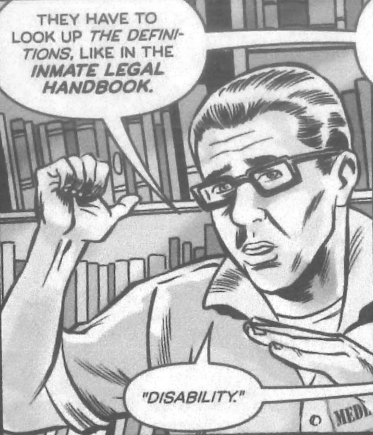
OR HIRE A REAL LAWYER.

**RAPE AND SEXUAL MISCONDUCT: PRISON RAPE ELIMINATION ACT OF 2003. 42 U.S.C. 15601.**



WHAT DO YOU TELL THEM-- AND NOW ALAN'S VIEWERS-- ABOUT DISABILITIES?

HEY, I'M NOT TRYING TO GET YOU IN TROUBLE, HERE. WHAT KINDS OF THINGS DO THEY LOOK UP?



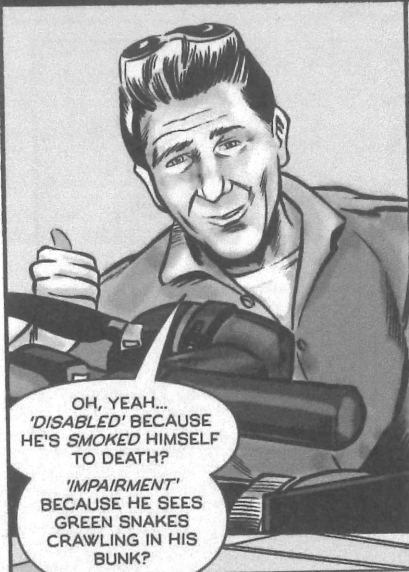
THEY HAVE TO LOOK UP THE DEFINITIONS, LIKE IN THE INMATE LEGAL HANDBOOK.

"DISABILITY."

DEFINITIONS ARE WHAT THE AMERICAN DISABILITIES ACT IS ALL ABOUT.

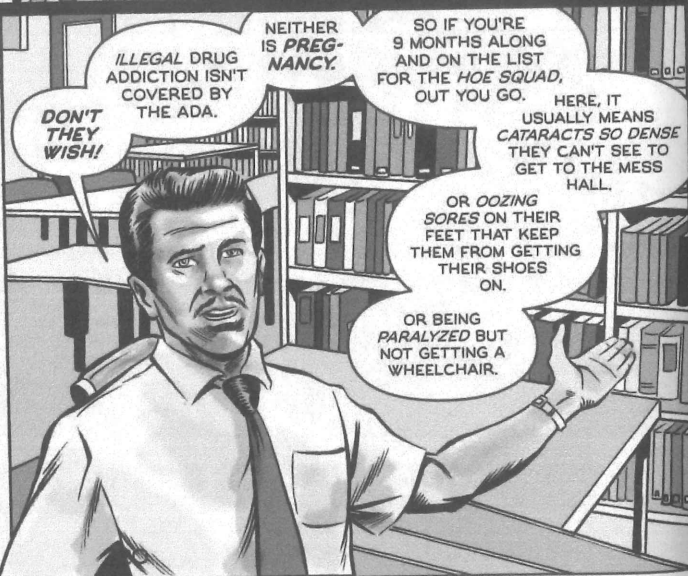
"IMPAIRMENT."

"MAJOR LIFE ACTIVITY."



OH, YEAH... 'DISABLED' BECAUSE HE'S SMOKED HIMSELF TO DEATH?

'IMPAIRMENT' BECAUSE HE SEES GREEN SNAKES CRAWLING IN HIS BUNK?



ILLEGAL DRUG ADDICTION ISN'T COVERED BY THE ADA.

DON'T THEY WISH!

NEITHER IS PREGNANCY.

SO IF YOU'RE 9 MONTHS ALONG AND ON THE LIST FOR THE HOE SQUAD, OUT YOU GO.

HERE, IT USUALLY MEANS CATARACTS SO DENSE THEY CAN'T SEE TO GET TO THE MESS HALL.

OR OOZING SORES ON THEIR FEET THAT KEEP THEM FROM GETTING THEIR SHOES ON.

OR BEING PARALYZED BUT NOT GETTING A WHEELCHAIR.





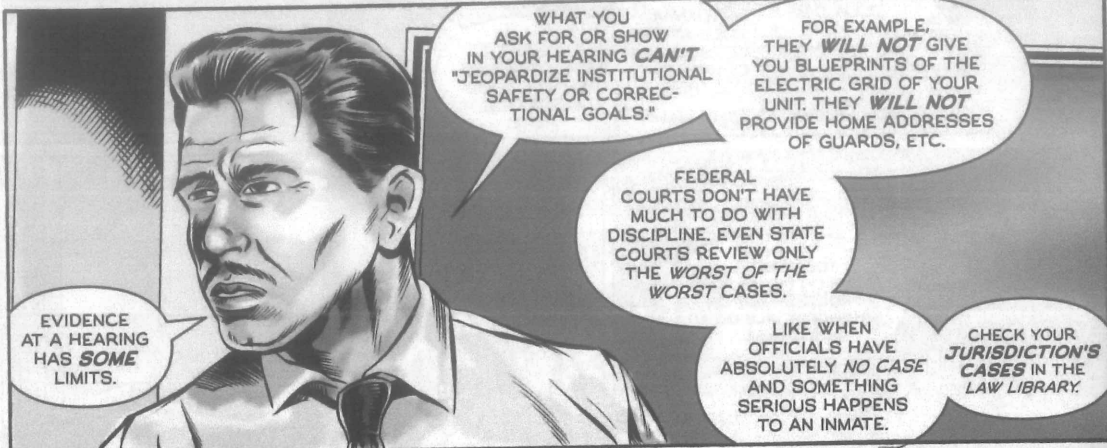




MAN, YOU GUYS ARE **SUR-ROUNDED** BY **WOMEN AND WOMEN!**

**ALL DAY!**

BET YOU SEE SOME **HOT ONES!**



EVIDENCE AT A HEARING HAS **SOME** LIMITS.

WHAT YOU ASK FOR OR SHOW IN YOUR HEARING **CAN'T** "JEOPARDIZE INSTITUTIONAL SAFETY OR CORRECTIONAL GOALS."

FOR EXAMPLE, THEY **WILL NOT** GIVE YOU BLUEPRINTS OF THE ELECTRIC GRID OF YOUR UNIT. THEY **WILL NOT** PROVIDE HOME ADDRESSES OF GUARDS, ETC.

FEDERAL COURTS DON'T HAVE MUCH TO DO WITH DISCIPLINE. EVEN STATE COURTS REVIEW ONLY THE **WORST OF THE WORST CASES.**

LIKE WHEN OFFICIALS HAVE **ABSOLUTELY NO CASE** AND SOMETHING SERIOUS HAPPENS TO AN INMATE.

CHECK YOUR **JURISDICTION'S CASES** IN THE **LAW LIBRARY.**

AFTER CLASS



YOU'RE AN **IDIOT!**

**EVERY ONE** OF MY STUDENTS **ACTS BETTER** THAN YOU DO!



THAT AFTERNOON

NOW WE  
COME TO THE  
TOUGHEST SUBJECT:  
PROTECTION ISSUES  
AND USE OF  
FORCE.

A USE OF FORCE IS **NOT--  
REPEAT NOT--** AGAINST  
PRISON POLICY OR UN-  
CONSTITUTIONAL.

OFFICIALS  
**ARE** ALLOWED TO  
USE FORCE TO "MAIN-  
TAIN OR RESTORE  
DISCIPLINE."

FOR AN **EXCESSIVE  
FORCE** CLAIM, YOU NEED  
TO PROVE THE OFFICERS  
ACTED "MALICIOUSLY" AND  
NOT TO "RESTORE OR  
PRESERVE ORDER."

AND THEY CAN'T  
HAVE RESPONDED  
"REASONABLY."

FOR **CONDITIONS**, YOU  
HAVE TO PROVE OFFICIALS  
WERE "DELIBERATELY  
INDIFFERENT" TO THE  
CONDITION.

THEY KNEW  
ABOUT IT AND  
DIDN'T ACT  
REASONABLY  
TO FIX IT.

TO HAVE A  
**VALID** CLAIM, ONE:  
THE PRISON OFFICIALS  
**HAVE TO HAVE KNOWN**  
ABOUT THE **EXCESSIVE  
FORCE**, OR THE  
DANGEROUS PRISON  
CONDITION.

TWO:  
OFFICIALS  
ARE REQUIRED  
**ONLY** TO HAVE  
RESPONDED  
"REASONABLY."

THREE:  
OFFICIALS **HAD  
TO BE** "DELIBERATELY  
INDIFFERENT" OR HAD  
"RECKLESS DISRE-  
GARD" FOR INMATE  
SAFETY.

I KNOW.  
IT'S A BUNCH  
OF LEGAL HOOPS.  
BUT THAT'S THE  
LAW. LET'S WORK  
WITH IT.

YOU HAVE THE  
RIGHT TO COMPLAIN  
ABOUT **TWO TYPES OF  
ASSAULT**: IF YOU, AS  
AN INDIVIDUAL, ARE  
ASSAULTED.

**OR** IF INMATES  
IN GENERAL ARE BEING  
INJURED-- DUE TO A  
PRISON CONDITION THAT  
OFFICIALS KNOW  
ABOUT.

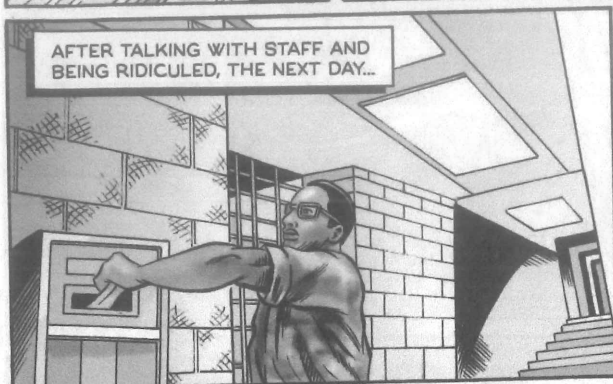
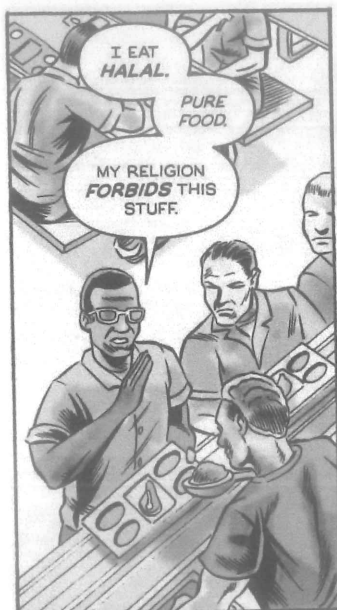
EVERYTHING  
DEPENDS ON SPECIFIC  
FACTS: **WHO, WHAT,  
WHERE, WHEN**. YOU HAVE  
TO BE SPECIFIC ENOUGH  
THAT OFFICIALS CAN FIX  
THE PROBLEM.

**BUT HEAR ME  
NOW**: IF YOU HAVE  
A LIFE EMERGENCY,  
GO **STRAIGHT** TO  
**ANY** STAFF.

SOMEONE  
WILL GET YOU  
TO A SAFE  
PLACE AND  
INVESTIGATE.

IF YOU HAVE  
THE **FACTS**, HE'LL  
GET IN TOUCH WITH THE  
OFFICE OF THE INSPECTOR  
GENERAL RIGHT  
THEN.









YO, MR. DIBS!  
WHAT ABOUT WHEN  
IT'S, LIKE, 120 DEG-  
REES OUT?

MY  
CELLMATE,  
BEAR...?

MAN, THAT  
GUY SWEATS LIKE  
CRAZY IN THAT HEAT.  
AND HE STINKS!

AIN'T NO  
VENTILA-  
TION...

AIN'T NO  
A/C...

AIN'T NO FANS,  
MAN, NOT UNLESS  
YOU HAVE **COMMIS-  
SARY MONEY TO BUY**  
ONE'A THOSE ITTY-  
BITTY PLASTIC  
THINGS...

SO HOT YOU  
COULD PASS OUT!  
ISN'T STAYIN' COOL A  
**CONSTITUTIONAL  
RIGHT?**

OR AT  
LEAST NOT  
GETTIN' KILLED  
BY YOUR  
ROOMMATE'S  
SMELL?

DAY FIVE



SEE, THAT'S WHERE  
THE LAW SAYS YOUR  
'CONDITIONS' HAVE TO  
BE 'CRUEL AND  
UNUSUAL.'

BEING TOO HOT  
OR TOO COLD OR  
NOT GETTING ENOUGH  
VENTILATION...

YOU CAN  
COMPLAIN **ONLY**  
IF IT LASTS A LONG  
TIME OR **ACTUALLY**  
**HURTS** YOUR  
HEALTH.

AND  
AGAIN, YOU  
GOTTA **SHOW**  
THAT.

EVEN THEN,  
IF THE PRISON  
GIVES YOU ICE WATER  
OR EXTRA SHOWERS,  
THEY MAY HAVE  
ACTED **REASON-  
ABLY.**

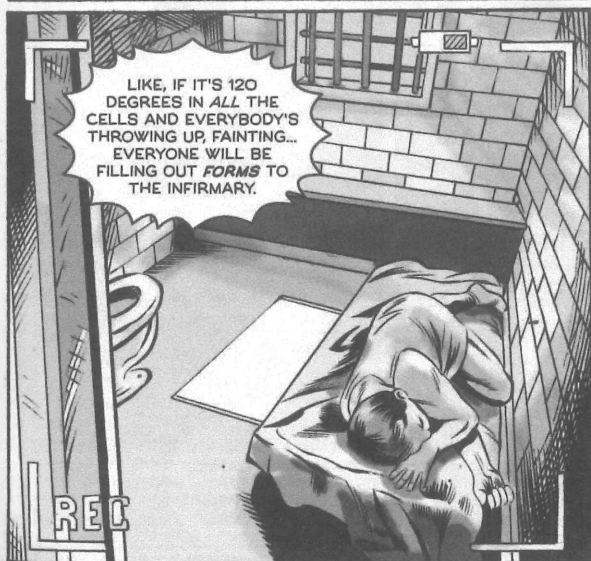
YOU HAVE TO  
TELL THE OFFICIALS  
ABOUT THE **SPECIFIC**  
TROUBLE.

IF THEY  
KNOW ABOUT  
A **SERIOUS HEALTH**  
PROBLEM RELATING  
TO HEAT OR  
COLD...

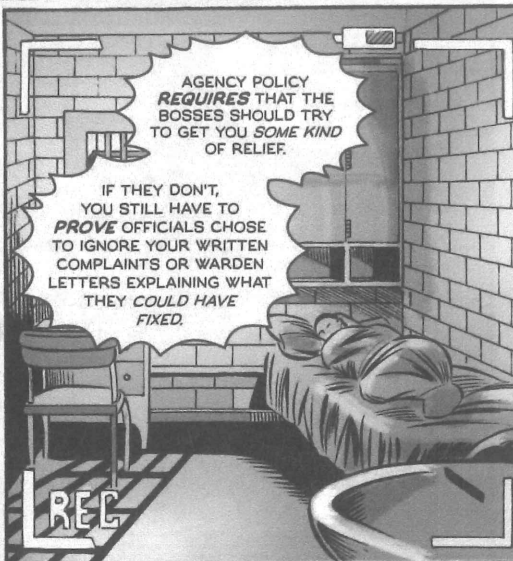
...A COURT  
WILL PROBABLY  
SAY THAT THE PRO-  
BLEM HAS TO BE SHOWN  
TO CAUSE SERIOUS  
HARM TO  
YOU.

STINK IS  
JUST NOT  
ENOUGH.

IF YOU  
PASS OUT...  
MAYBE.



LIKE, IF IT'S 120  
DEGREES IN **ALL** THE  
CELLS AND EVERYBODY'S  
THROWING UP, FAINTING...  
EVERYONE WILL BE  
FILLING OUT **FORMS** TO  
THE INFIRMARY.



AGENCY POLICY  
**REQUIRES** THAT THE  
BOSSSES SHOULD TRY  
TO GET YOU **SOME KIND**  
OF RELIEF.

IF THEY DON'T,  
YOU STILL HAVE TO  
**PROVE** OFFICIALS CHOSE  
TO IGNORE YOUR WRITTEN  
COMPLAINTS OR WARDEN  
LETTERS EXPLAINING WHAT  
THEY **COULD HAVE**  
FIXED.





BIG,  
LEGAL  
WORDS  
AGAIN!

WHAT DOES  
'EXPOSURE'  
MEAN?

I WAS LAID  
UP LAST MONTH,  
SICK FROM PAINT  
FUMES... SERIOUSLY,  
SICK...

...WE DON'T  
HAVE TO PROVE  
WE WERE BREATH-  
ING, DO WE?

HEH. OR  
PROVE THAT NOT  
BREATHING IS A  
'HAZARD'?

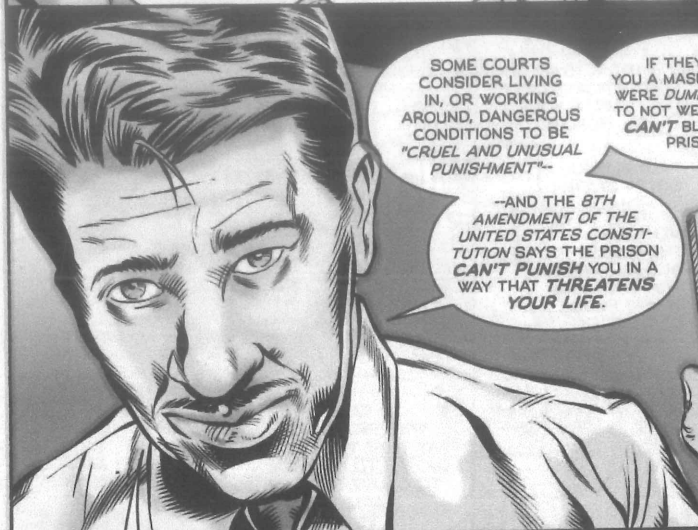


SAME  
RULES.

DID YOU ALERT  
STAFF FIRST? YOU  
HAVE TO HAVE THE  
DATES AND LOCATIONS,  
CLEM...

BUT!

YOU ALSO HAVE  
TO PROVE THEY  
WERE DELIBERATELY  
INDIFFERENT...

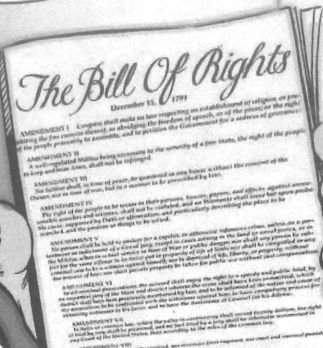


SOME COURTS  
CONSIDER LIVING  
IN, OR WORKING  
AROUND, DANGEROUS  
CONDITIONS TO BE  
'CRUEL AND UNUSUAL  
PUNISHMENT'...

IF THEY GAVE  
YOU A MASK AND YOU  
WERE DUMB ENOUGH  
TO NOT WEAR IT, YOU  
CAN'T BLAME THE  
PRISON.

...THAT THEY *KNEW*  
PAINTING WALLS WAS  
UNREASONABLY RISKY FOR  
SERIOUS HARM AND DID  
IT ANYWAY WITHOUT  
PRECAUTIONS.

—AND THE 8TH  
AMENDMENT OF THE  
UNITED STATES CONSTITUTION  
SAYS THE PRISON  
CAN'T PUNISH YOU IN A  
WAY THAT THREATENS  
YOUR LIFE.



# The Bill Of Rights

December 14, 1791

AMENDMENT I Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, and in time of war, but for a limited time, as prescribed by law.

AMENDMENT IV The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger, or shall be compelled to testify against himself, or be criminally convicted without a fair trial by a jury of the peers; nor shall any person be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

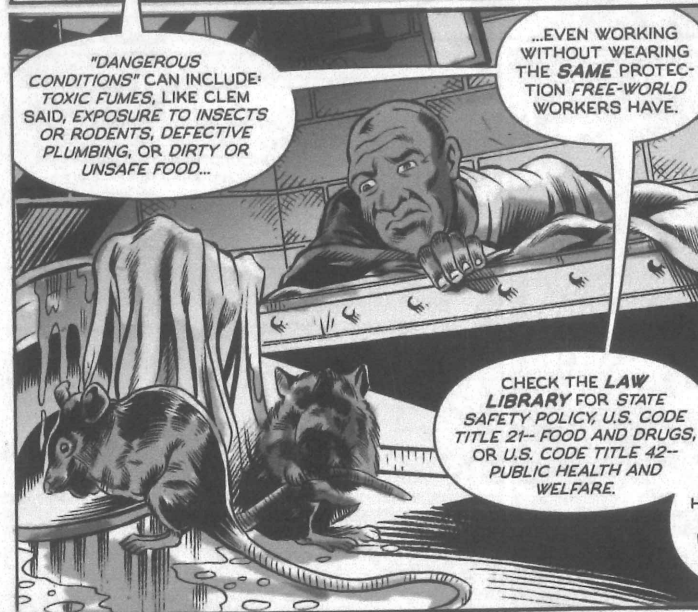
AMENDMENT VI In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall be in and for the county where the crime shall have been committed; to be informed of the charges against him; to confront the witnesses against him; to have compulsory process of witnesses in his favor; and to have the assistance of counsel for his defense.

AMENDMENT VII In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, or of any State.

AMENDMENT VIII Excessive bail shall not be required, excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X The powers not delegated to the United States by the Constitution, nor prohibited to the States by the States, are reserved to the States or to the people.



"DANGEROUS  
CONDITIONS" CAN INCLUDE:  
TOXIC FUMES, LIKE CLEM  
SAID, EXPOSURE TO INSECTS  
OR RODENTS, DEFECTIVE  
PLUMBING, OR DIRTY OR  
UNSAFE FOOD...

...EVEN WORKING  
WITHOUT WEARING  
THE SAME PROTECTION  
FREE-WORLD  
WORKERS HAVE.

CHECK THE LAW  
LIBRARY FOR STATE  
SAFETY POLICY, U.S. CODE  
TITLE 21-- FOOD AND DRUGS,  
OR U.S. CODE TITLE 42--  
PUBLIC HEALTH AND  
WELFARE.

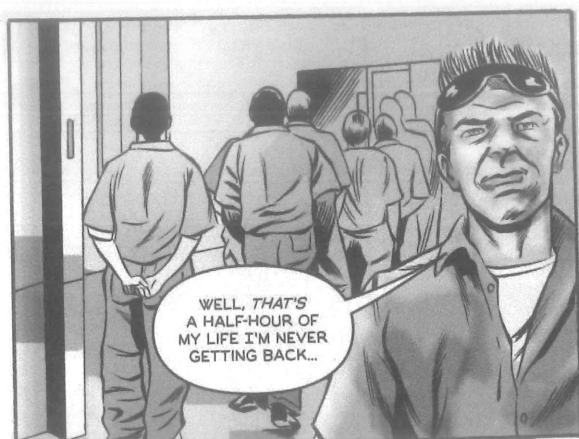


IF YOU THINK  
YOU HAVE A REAL  
HAZARD YOU CAN PROVE,  
YOU CAN RESEARCH  
WHAT'S LEGAL AND WHAT  
ISN'T IN YOUR JURIS-  
DICTION.









WELL, THAT'S  
A HALF-HOUR OF  
MY LIFE I'M NEVER  
GETTING BACK...



TRY 17  
YEARS,  
DIPSHIT.



SO WHY DO  
YOU EVEN COME  
HERE, MAN?

EVERY  
WEEK--

WHAT'S  
THE POINT?

HELPING THESE  
GUYS **COMPLAIN**  
**PROPERLY** CAN'T BE WHY  
YOU KILLED YOURSELF  
GETTING THROUGH LAW  
SCHOOL.



MR. DREYER,  
WHY DO YOU THINK  
THESE "GUYS" ARE  
HERE?

I  
DUNNO...  
  
KEEP  
'EM OFF THE  
STREETS?



**WRONG--**

THEY'RE HERE AS  
**PUNISHMENT.**

THEY'RE HERE  
FOR COMMITTING  
A **CRIME** ON THE  
OUTSIDE.

IF SOMETHING  
BAD HAPPENS TO  
THEM WHILE THEY'RE  
HERE, THEY **DON'T**  
HAVE A WHOLE SYS-  
TEM WITH FAMILY AND  
JURY AND ATTORNEYS  
TO HELP THEM.

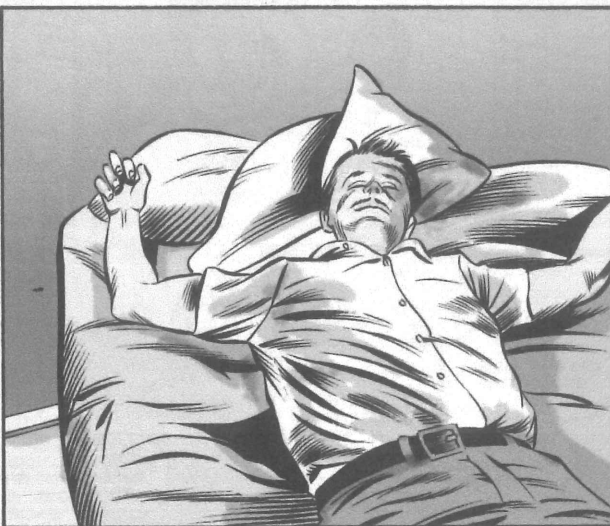
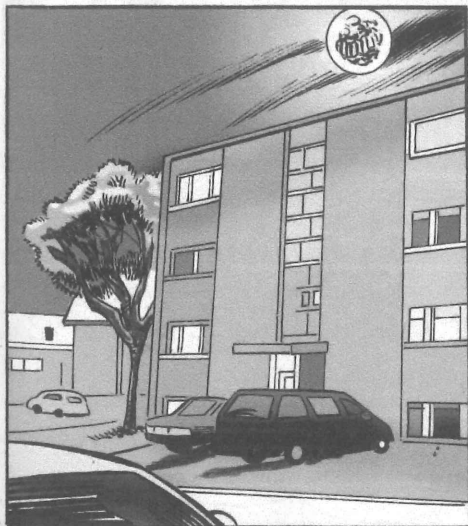
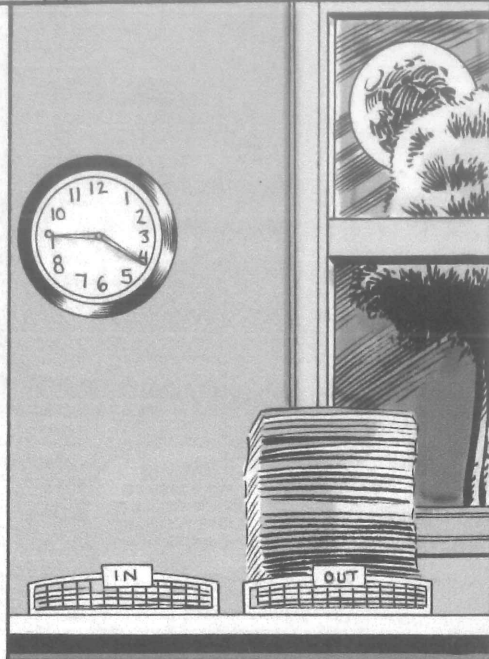
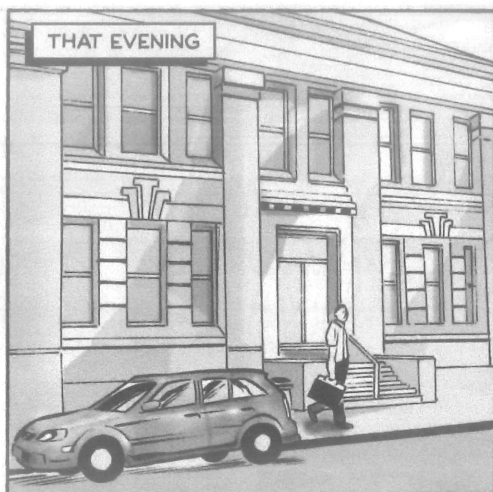
IT'S EASY TO  
BRUSH THESE GUYS  
ASIDE. "LET 'EM ROT IN  
PRISON," THEY-- AND  
YOU-- SAY.

BUT THEY'RE  
**STILL PEOPLE.** AND  
EVEN **THEY** DESERVE  
A LITTLE HELP NOW  
AND THEN

AND  
**THAT'S**  
WHY I'M  
HERE.









THE NEXT DAY

THANKS,  
MAN. I KNOW  
YOU'VE GOT  
A ZOO.

AND, YEAH,  
WHEN I COME IN,  
IT'S A WORSE  
ZOO.

I LIKE TO  
THINK OF YOU  
AS PART OF THE  
RECREATION.

HEY, MAN.  
THEY'RE TRYIN'  
TO KEEP ME FROM  
GETTING BOOKS AND  
MAGAZINES.

WERE THEY  
OBSCENE?

RACIAL?

HELPING  
YOU MAKE  
A BOMB OR  
SOMETHING  
STUPID?

IF  
NOT, ASK  
AGAIN.

HOW COME I  
CAN'T WRITE A KITE  
TO OL' AL? THEY WENT  
AND SENT HIM OVER TO  
ANOTHER UNIT.

YOU HAVE TO  
FOLLOW THE **RULES**--  
THEY'RE POSTED ON THE  
MAILROOM WALL. GO  
READ 'EM.

CAN I  
WRITE A  
GRIEVANCE  
ABOUT THE  
I.C.E.?

ARE YOU  
SUPPOSED  
TO BE ON THE I.C.E.  
LIST? YOU NEED  
AN IMMIGRATION  
LAWYER.

YO, DIBS,  
YOU AIN'T GONNA  
BELIEVE THIS  
ONE!

THEY DON'T LET  
ME PRACTICE MY  
RELIGION!

THE  
RELIGION OF  
MY WHOLE  
'HOOD!

ODD,  
ISN'T IT?

DID  
YOU **SHOW**  
THEM YOU'RE  
SINCERE?

**HOW** DO  
YOU PRACTICE  
THAT RELIGION,  
ANYWAY?

KNIVES  
INVOLVED,  
BY ANY  
CHANCE?



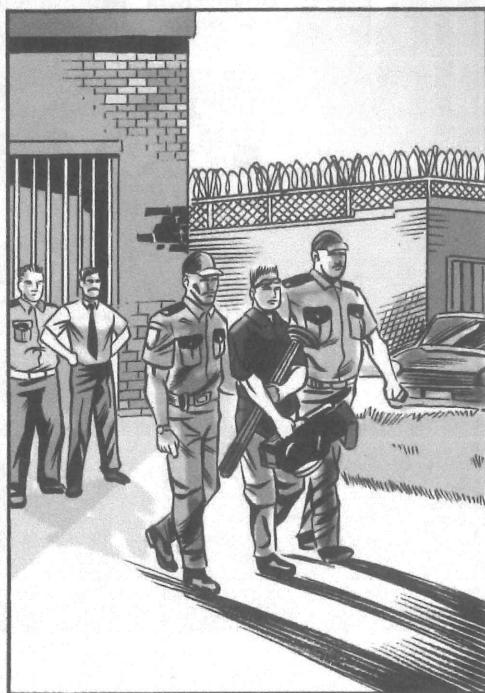




APPELLATE COURTHOUSE













# PRISON GRIEVANCES: WHEN TO WRITE, HOW TO WRITE WORKBOOK SECTION

## DIFFERENCES FOR FEDERAL PRISONS

Each state prison system may use different words and titles to mean about the same thing. Code of Federal Regulations: 28 CFR 542(B).

### ***YOU MUST RESEARCH!***

To "exhaust administrative remedies" (follow the steps of your system) in a federal prison, inmates will use these words and forms:

#### FORMS

Start with an informal discussion. You can also use a **BP 8** or a **Cop Out**, which is a written request to a staff member.

**BP 9** is a form a counselor will provide you to fill out. You have 20 days from the incident or learning of the problem to file it. The prison system has 20 to read and respond, with another 20 days possible extension.

**BP 10** is an appeal from the decision; if you believe the system made a mistake in its answer to your **BP 9**, then you can appeal to the Regional Director within 20 days of getting your answer. Attach a copy of your **BP 9** decision. The Regional Director has 30 days to respond to you, and can take a 30 day extension.

In a federal penitentiary, inmates have yet another step. If you are not satisfied with the Regional Director's **BP 10** decision, file again within 30 days. Complete a **BP 11** and attach both the **BP 9** and **BP 10** forms. The Central Office of the Bureau of Prisons will investigate in 40 days, with a 20 day extension possible.

#### HOW TO ORGANIZE

*The federal forms ask inmates to divide their problem in this way:*

- Statement of facts  
(who, what, where, when)
- Grounds for relief  
(are they breaking a system rule or constitutional amendment?)
- Relief requested  
(what do you want them to do about it – that they they can possibly do)

The **Prison Reform Litigation Act** (PLRA) applies to city and county jails; if they do not provide you with these rules and steps, ask for them. You must exhaust that particular jail's "administrative remedies."



# THINK BEFORE YOU WRITE

**Before** you fill out a **Step 1 (I-127, BP-9, etc.)**, make sure the Unit Grievance Investigator (U.G.I.) is the **right person** to read it. *Does he have the authority?*

Ask yourself:

- Are you complaining about something an employee or other inmate did? (like, did someone ignore a serious medical problem)
- Did you get hassled for turning in a grievance? or for trying to write to a court?
- Was your property lost? Did the prison system have physical control of your property when it was damaged? or was lost?
- Or: Is this some other problem the prison can control?
- Have you added each specific fact to your specific complaint so the prison system can act on your grievance?

You should **not** fill out a **Step 1** until you can answer '**yes**' to a question above.

## THE U.G.I. CAN'T HELP WITH THESE...

- X State or Federal Court decisions, laws, or regulations
- X Parole decisions
- X Disagreement about time-served credit (send to Classification and Records, Time Section)
- X Appeals that belong somewhere else (ICE for immigration, for instance, or a jail problem that needs to go back to the jail authority)
- X Any matter the prison system doesn't control, like your divorce or child support payments, or inheritance

The Warden, or a representative that can sign for him, should sign and return your **Step 1**. You have a specific number of days from the Warden's signed return to correct. Then resubmit if it's a technical problem that you can fix. If it was denied 'on the merits,' then you might choose to file a **Step 2** and explain WHY **Step 1** was decided wrong. Keep a copy of your **Step 1**. Keep record of the dates if you do not have a copy. Follow the time limits even if you change units. The PLRA law requires you to go through **Step 2** if you ever want to file in court.

Keep a calendar! (See calendar at back.)



# WHY YOU GET TURNED DOWN...

- X** Your time period has expired:

**Step 1** -- In some states, 15 days from the incident or when you should have been aware of the problem; in federal prisons, 20 days. Research your jail/state prison rules.

**Step 2** -- In some states, 15 days from signature on **Step 1**; in federal prisons, 20 days. Research your jail/state prison rules.

*The time limit **doesn't expire** if you change units.*

- X** You have complained about the same problem within 7 days. Or if you submit more than 1 grievance on a new issue in 7 days.

*(They may not have had time to read the first one.)*

**Exceptions:** Inmate disciplinary and emergency grievances.

- X** You didn't turn in originals. Carbon copies of **Step 1** and **Step 2**, even with original signatures, are not originals. If you didn't get your original **Step 1** returned, send a letter or required system form to the Unit Grievance Investigator. Research your jail/state prison rules.

The same goes for a **returned, unsigned Step 1**.

Give them **specific** information: date you filed, the number, date, etc.  
*Keep the dates on your calendar.*

- X** You added the wrong or too many attachments. Just use the spaces in the form. They may later ask you for official documents like sick-call requests, property papers, and written things that support your claim.

## **Attachments can get lost.**

Hang on to them until someone asks for them!

- X** You didn't show that you had tried to talk it over first. You have to talk with someone from the prison staff first before you file. Describe that attempt on the **I-127 form**.

**Exceptions:** If you are protesting the outcome of a disciplinary hearing, **go straight to Step 1**.



# WHY YOU GET TURNED DOWN...

## CONTINUED

- X You filed a **Step 2** exactly like **Step 1** without explaining why you think the first decision was wrong.
- X You complained about something the prison **can't** fix. (see above) Or you did not state what you wanted done. There has to be something that the reader can do – not just listen and nod or agree.
- X You used vulgar or indecent language. Or you physically threatened someone. This can also get you a disciplinary case.
- X There is nothing anyone can do, period. No one can make it stop raining during rec time.
- X You have already complained about the same issue before.
- X If you ask for money as payment for the problem, or if you ask the prison system to discipline its own staff, the authorities probably won't help you. A court might, later, if you have filed a **Step 1** and **2**.
- X Your writing is too hard to read. Write it so someone can *read and understand it*. Or use a typewriter. Or ask someone with clearer handwriting to help you.

Do you think the Grievance Procedure doesn't work? Then write a letter to the Administrator of the Offender Grievance Program **but** continue to take the proper grievance system steps.

**ADDITIONAL RESOURCES** -- *Help within your system:* Most states and federal institutions have inmate and family handbooks; families can access a full list through the website [http://www.aele.org/law/jb-resources.html#Inmate & Family Handbooks and Publications](http://www.aele.org/law/jb-resources.html#Inmate%20&%20Family%20Handbooks%20and%20Publications). Your unit law library should have a copy.



# WHY THIS ONE WORKED...

TYPED FORM  
SO IT WAS  
LEGIBLE

FILLED IN ALL  
BLANKS EXCEPT  
OFFICE USE ONLY  
SECTION. DESCRIBES  
ATTEMPT TO RESOLVE  
THE PROBLEM FIRST

## Department of Criminal Justice

### STEP 1 OFFENDER GRIEVANCE FORM

Offender Name: Edwin Porter DCJ # 469338  
Unit: Stevenson Housing Assignment: J-7  
Unit where incident occurred: Stevenson

#### OFFICE USE ONLY

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance File: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Sent to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint.  
The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? C.O. Morales When? 6/19/09  
What was their response? Walked away, didn't believe me  
What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

Inmate Joe Smith entered my cell and stole my plastic fan  
on Saturday June 19. I yelled to C.O. Morales, but he went  
and left the wing. Later I told him again, and he said  
Smith said it was his fan. Everyone knows it's mine, but  
they laughed and said Smith had one too.

ANSWERED  
WITH SPECIFICS:  
**WHO WHAT  
WHEN WHERE**

FILED WITHIN  
THE 15-DAY  
TIME LIMIT

Action you request to resolve your complaint.

I want the U.G.I. to read the purchase report from the  
commissary that proves the fan is mine. I want him to  
return it, just like it was and not torn apart.

Signature: Edwin Porter Date: 6/23/09

SIGNED  
THE FORM

ASKED FOR  
ACTION THAT IS  
POSSIBLE

PRISON GRIEVANCES



# WHY THIS ONE DIDN'T...

Department of Criminal Justice

## STEP 1 OFFENDER GRIEVANCE FORM

Offender Name: MIKE GROSSMAN DCJ # 358227  
Unit: STEVENSON Housing Assignment: K-A2  
Unit where incident occurred: CAFETERIA

OFFICE USE ONLY

Grievance #: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Due: \_\_\_\_\_  
Grievance Code: \_\_\_\_\_  
Investigator ID #: \_\_\_\_\_  
Extension Date: \_\_\_\_\_  
Date Ret'd to Offender: \_\_\_\_\_

NO SPECIFIC DATE.

YOU CANNOT COMPLAIN AGAIN UNTIL 7 DAYS HAVE PASSED.

WHAT RELIGION? BE SPECIFIC ABOUT ANY RELIGIOUS RULES.

You must try to resolve your problem with a staff member. The only exception is when appealing the result of a disciplinary hearing.

Did you talk to (name, title)? ALL THE C.O.'S

What was their response? WALKED AWAY, TOLD ME THEY COULDN'T DO ANYTHING When? LAST WEEK, AND I'VE FILLED OUT THIS SAME FORM 2 TIMES THIS WEEK ALREADY.

What action was taken? NONE

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I CAN'T EAT THE CAFETERIA FOOD, IT'S AGAINST MY RELIGION. I TOLD THE COOKS, I TOLD MY WHOLE UNIT. I SENT A LETTER TO THE CHAPLAIN. THE FOOD TASTES LIKE SHIT! I KEEP WRITING AND YOU DON'T DO NOTHING. THIS TIME I RUBBED SOME OF THE SO-CALLED FOOD BELOW AS 'EVIDENCE'.

INDECENT LANGUAGE.

DIDN'T TALK TO RESPONSIBLE PERSON TO RESOLVE INFORMALLY.

CHICKEN-SCRATCH HANDWRITING DIFFICULT TO READ.

Action you request to resolve your complaint.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

INAPPROPRIATE ATTACHMENT. ONLY OFFICIAL PAPERS. GROSS!

DIDN'T SIGN OR DATE.

Here are 9 reasons this grievance might have been returned. The UGI can give it back any time you make **even 1** of these mistakes.

The UGI/staff has a limited number of days to read, sign, and return a **Step 1**. You don't have to wait to file again IF it involves offender disciplinary or emergencies. You have a limited number of days from the date of the signature to file a **Step 2** even if you change units.

PRISON GRIEVANCES



# MEDICAL GRIEVANCES



If you believe you did not get adequate medical help:

YES NO

☐
☐

Did you **properly** fill in the **sick call request**, and describe the medical problem carefully?

☐
☐

Did you write down the **date** and **name** of the person who treated you?

☐
☐

Did you afterwards complain to the person who treated you?

☐
☐

Did you write down that date and name of the person who still did not help you?



If you answered "**no**" to any of these questions, then **THINK!** until you have done as much of this as possible. Otherwise, you will have a weak grievance. Try to get your information before filing. Request your medical records.

Outside people may be able to get this information with your permission. If the Health Administrator turned down your properly written **request**, then you may decide to file a **Step 1** grievance.

YES NO

☐
☐

Do you have **documents** to prove who you **first** complained to, when, and the answer?

☐
☐

Do you have the returned **request** with its reason checked with a response?

☐
☐

Did you explain what happened to you because medical help was delayed or denied?

If you answered "**no**" to any of these questions, you will have a **weak Step 1**.



# MEDICAL GRIEVANCES

CONTINUED



THINK!

Try to get the information you need. If you answered "yes" to all of these questions, then you might fill out a **Step 1**.

Remember the rules:

- In some states, you have **only 15 days** (federal, **20**) after you learned about the problem to file **Step 1**.
- This has to be something the reader **can do something** about – not just a list of complaints.
- **Ask** for what you need: To see a doctor, or to see a *different* doctor, or to have a procedure or doctor the doctor said you need.
- **Be specific.** Explain everything each person *did* and *did not* do.
- **Write carefully** so they can read what you are saying.
- **Keep your original I-60.**
- Unless this is a life-or-death medical emergency, you **cannot** turn in another **Step 1** for **7 days**.
- Each problem must have a **separate Step 1**. Each complaint is separate.
- You have to **show an I.D.** and wait **24 hours** for any prescription-- *don't complain about the rule.*
- **Do not** use legal or medical **jargon**. *Speak straight.*
- They will take money out of your account as your co-pay, if you have the money-- *don't bother to complain about it.*

## LOST PROPERTY

When you fill out a **Step 1** for lost property, be as **specific** as you can:

- Describe the property carefully.  
(A "typewriter" is what? Black, Remington, missing the 'k' key)
- Explain where you last saw the item.  
(unit, what room, where in room)
- Give officer's name you first reported it to, as well as the date/time of your report.
- Summarize the officer's answer.
- If you've been in several units, narrow down which one(s) you remember seeing it last. (Unit name and date)
- Request restitution.  
(They could find it or replace it)



# THE INAPPROPRIATE DISCIPLINARY SANCTIONS WORKSHEET

Is your grievance about:



YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Reduction in class status or level of custody and freedom?                              |
| <input type="checkbox"/> | <input type="checkbox"/> | Amount of supervision?<br><b>When</b> and <b>how</b> are you watched?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Assigned same line class for set time?<br>How often are you evaluated to change status? |
| <input type="checkbox"/> | <input type="checkbox"/> | Custodial classification, or whether you are qualified for a new level of security?     |
| <input type="checkbox"/> | <input type="checkbox"/> | Placed in solitary confinement?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Commissary and/or recreational privileges?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Cell restrictions (30-45 days)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Transfer as retaliation, or to get back at your for something you did?                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Job or prison unit assignments?   |

If you answer "yes" to any of the above, you must



These are "protected interests" **only** if you can show that the prison has an unconstitutional reason for its action.



# THE INAPPROPRIATE DISCIPLINARY SANCTIONS WORKSHEET



## REGULATIONS

You may think the prison has a rule that is unfair. First, talk with your unit officer. The officer may agree that the problem creates an "atypical and significant hardship" on you and other inmates.

*Is the regulation:*

YES NO

☐ ☐ Abnormal ("unusual" even within a prison system)?

☐ ☐ Making life **really** difficult for inmates (even more so than prison life is intended to be)?

*Are the 'conditions' of the punishment (thing you are complaining about):*

YES NO

☐ ☐ Like those in **other** prisons?



If "yes," then **THINK!** and research your state's prisons again. If "no," then a court might look at your problem – after you have properly gone through **Step 1** and **Step 2** so the system has a chance to fix the problem first.

**You will need factual, solid evidence.**

*Be able to explain in detail that:*

- The problem is an "atypical and significant" hardship and...
- A legal case, regulation, or statute actually says prisoners should not be restrained or confined in that manner. (**So research!**)



# DUE PROCESS FOR DISCIPLINARY ACTION

Ask yourself:

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Did officials give you advanced, written information about their charges?                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Did officials show you the evidence they have against you?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the "factfinder" (a prison official not involved in the incident) inform you of the evidence against you? |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the factfinder give you the reason why you are being disciplined?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you get to attend the hearing and give your evidence and your witness(es)?                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Were you allowed to ask the prison's witness(es) questions?   |

If you answered 'no,' then you may want to fill out a **Step 1** and perhaps later a **Step 2**. Keep all your evidence.

## Some prison due-process rules to remember:

- 1) If the prisoner is unable to be at the hearing, officials can have the hearing anyway.
- 2) No one will allow your evidence if it might cause safety problems.
- 3) They will not allow you to show something that isn't about the case at all.
- 4) They may decide there's a 'good cause' for not allowing some inmate questions. For instance, you will not be allowed to ask a witness the names of all the inmates who took part in an incident. Officials may find 'good cause' to not allow your question if you are just trying to make trouble for another inmate or official.



# DUE PROCESS FOR DISCIPLINARY ACTION

## NEXT STEPS

You may still believe a federal court should review a disciplinary sanction in your prison. You may still believe the federal court will agree you did not have due process.

If that is the case, then



**THINK!**

You need to try to find an attorney to help you file in federal court. You can file pro se (by yourself) if you don't have a lawyer. But! It is much harder. The statute of limitations (deadline) is really important.

*You have **two** possible deadlines--*

- One deadline is for a due process claim: **2 years.**
- The other deadline is for a habeas corpus claim: **1 year.**

You can see right here that an attorney is **essential**. An attorney will help you file correctly and on time.

The attorney will make sure that you...

- Explain which protected liberty/property was taken;
- Explain how you did not receive the proper due process;
- Use the correct forms;
- Give them specific detail;
- Give them your evidence (only later, if the court agrees to hear your case).

**PLEASE REMEMBER--  
IT'S BEST TO HAVE AN ATTORNEY!**



# THE LIFE ENDANGERMENT WORKSHEET

## ASSAULTS OR CONDITIONS

If you believe your life is in danger, contact the Security Supervisor directly. If the U.G.I. decides you have a life-threatening emergency, he should work with the Office of the Inspector General.

**Emergencies do not have to go through the following screening.**

If a prison condition creates a dangerous situation, officials need to know about it. Give them a chance to correct it.

YES NO

☐ ☐ Did you report the assault or threat/problem to a Correctional Officer, or Classification staff, or Warden, or any staff member you are comfortable with?

☐ ☐ Did you keep track of the official's name and time/date you reported the problem?

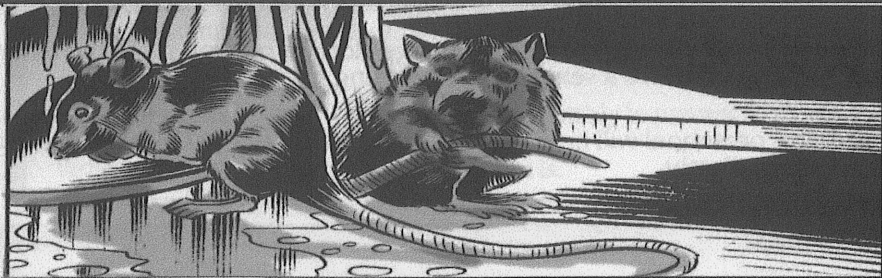
☐ ☐ Afterwards, did you still have the threat/problem?

☐ ☐ Is there a dangerous prison condition that is different from the condition in other prisons?

☐ ☐ Does the prison condition break a law of sanitation or safety?

If you answered "yes" to one of the questions above, then you should fill in a **Step 1** – unless this is an **emergency** that could harm you **right now**.

You can file a *second emergency* form any time if the problem is about offender disciplinary problems.





# THE LIFE ENDANGERMENT WORKSHEET

CONTINUED

YES NO

☐☐

Do you offer specific facts – names and dates, and witnesses if possible?

☐☐

Is there something specific that the official can do to fix the problem in the future?

☐☐

Is there something specific that the official could reasonably do about a harm that has already occurred?

☐☐

Is there a direct connection between what officials did or didn't do and any harm?

☐☐

Did you report the incident within 15 days? Or, if this is a problem you have just learned about, is it still within 15 days of your learning of it?

Maybe you answered “yes” to at least three of the questions above and the U.G.I. still denies your request. Then you may have to file a **Step 2**. You will need to have evidence that the administration could have corrected the problem.



## SEXUAL ASSAULT

- Report the attack immediately to any staff member, supervisor, Unit Warden, or the OIG.
- Ask for immediate medical attention. They will take you to a safe place.
- Do not shower, brush your teeth, change clothes, or even go to the bathroom until you receive a sexual assault nursing exam.
- Medical personnel will help you and take evidence. The OIG will investigate immediately.



# THE EXCESSIVE USE OF FORCE WORKSHEET



Most use-of-force complaints are full of "he said," and "I said." Or they say "he did," and "I did." So everything depends on specific facts. You need **details**. You need **witnesses**. You need **documentation**, if possible, including medical records.

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Was the force deliberate, rather than an accident? Was it excessive, rather than normal for the situation?                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Did an official fail to act on reliable information that unconstitutional acts were occurring?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the force used 'to cause harm' rather than 'to maintain discipline'?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the harm an irreparable injury?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a direct connection between the injury and an official's actions or failure to act?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the force used to retaliate or punish you rather than to restore discipline? <i>(These are difficult to separate and need to be clear.)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the official say anything to you (or another witness) that could be judged as 'malicious' or 'sadistic'?                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you report what happened within 15 days?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there something the Warden or other officials can do about it?   |

THINK BEFORE YOU WRITE!

THINK BEFORE YOU WRITE!

**Remember:** A court will not accept your case unless a prison official knew that unconstitutional acts were...

- 1) occurring, and
- 2) that serious harm could result
- 3) but he ignored it or did not act reasonably to prevent it.

Write to the district court where your prison is.

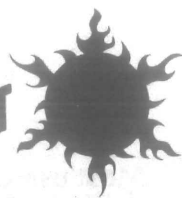
THINK BEFORE YOU WRITE!

THINK BEFORE YOU WRITE!





# THE EXCESSIVE HEAT OR COLD WORKSHEET



First, talk with a prison official. Make sure officials know that the temperature could hurt the health of inmates.

If you believe you and other prisoners are suffering from extreme heat or cold:

YES NO

- ☐ ☐ Have you talked to officials about the problem?
- ☐ ☐ Do you have a medical problem that requires a different temperature? Can you prove it?
- ☐ ☐ Is the temperature significantly different from other prisons in your area?
- ☐ ☐ Are you working outside when it's below 32° or over 100°?
- ☐ ☐ Do you get water breaks every 30 minutes on hot days?
- ☐ ☐ Is the problem always happening or just temporary?
- ☐ ☐ Is there anything the officials can do to correct the temperature?

If not,



Officials do **not** violate the Eighth Amendment unless...

- 1) they act with "deliberate indifference" to
- 2) a problem they are aware of that is
- 3) a "substantial risk of serious harm" to a prisoner's health.



# THE ENVIRONMENTAL HAZARDS AND TOXIC MATERIALS WORKSHEET



You may believe the areas you live and work in are dangerous. Again: **First bring the problem to the attention of a prison official.** Write down the date and name of that person. Make notes of what they say and what they do. Be able to explain the problem if it is still there. If the official cannot or does not fix the problem, then you may fill in a **Step 1.**

But,

**THINK!**

Courts have found that prison officials are not responsible for hazard/toxic health problems unless the officials...

- are deliberately indifferent.
- expose a prisoner to something that that is unreasonably risky.
- know there could be a big risk of serious damage to your health.
- make you work differently from, or with less protection than, people in the local area who are doing similar work.

Here are some conditions that at least one court found dangerous after reviewing the documented facts.  
Circle what you believe applies to your situation:  
(but you **must research** what your **own** court has said)

EXPOSURE TO  
TOXIC FUMES

POLLUTED  
WATER

CLEANING SEWAGE  
WITHOUT PROTECTIVE  
CLOTHING AND MASKS

UNSANITARY  
FOOD SERVICE

BAD, OR CONSTANT,  
LIGHTING (BEYOND  
THE NORMAL)

DEFECTIVE  
PLUMBING

EXPOSURE TO  
INSECTS, VERMIN,  
OR RODENTS

LACK OF  
FIRE SAFETY

LOUD OR CONSTANT  
NOISE BEYOND WHAT IS  
NORMAL FOR PRISONS

BEING EXPOSED TO  
EXCESSIVE SECOND-  
HAND SMOKE IN AN  
ENCLOSED AREA

HAVING DIRECT/SKIN  
CONTACT WITH A KNOWN  
CARCINOGEN (SOMETHING  
THAT CAUSES CANCER)

## RESEARCH, RESEARCH, RESEARCH!

Federal, state, and local governments have rules about dangerous conditions and toxic substances. These agencies may be able to help you research them.



# THE MAIL AND PUBLICATIONS WORKSHEET



*If you believe the prison system curtailed your "speech":*

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Did you try to send a message to someone but <b>not</b> through the mailroom? |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you forget to include your name, inmate number, and unit address?         |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you try to send a letter or package to another inmate?                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you decorate the outside of the envelope?                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | Did you seal the letter or package?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Was anything in it illegal or prohibited?                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Could anyone think the contents are a threat to security?                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Did a family member or friend try to send you stuff?                          |
| <input type="checkbox"/> | <input type="checkbox"/> | Did a magazine or book come from someone who was not the publisher or store?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is language in the book or magazine something that has been censored before?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the book or magazine make racial comments or show one race in a bad way? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the book or magazine encourage readers toward criminal behavior?         |
| <input type="checkbox"/> | <input type="checkbox"/> | If you are writing about your crime, will you get paid?                       |

If you can answer '**no**' these questions, then you can complain to **your system's review committee**. Research what courts have said about your type of publication.

Generally, the prison system makes publication rules to keep the prison safe. They should not make a rule just because the book or magazine says something about religion. They should not have a rule because the content has a political, or social, or sexual, or unpopular idea. To restrict the book or magazine, officials need to decide that the content involves some threat to security. They might decide it is a threat to the "order of prison life." If there is a question, wardens and courts usually lean toward keeping the material out.

## THINK BEFORE YOU WRITE!

PRISON GRIEVANCES



# THE RELIGION WORKSHEET

Does your religious belief...



YES NO

- ☐ ☐ look at the basic questions of life and (its) meaning?
- ☐ ☐ have outward signs that people can see?
- ☐ ☐ have leaders? *(They don't need to be in prison with you.)*
- ☐ ☐ have members who believe?
- ☐ ☐ have something written so you can read and understand?
- ☐ ☐ believe in a God or Gods?
- ☐ ☐ believe in life's purpose?



If you answer 'no,' then

Research legal cases on these issues. Decide why your belief is so different from what other faiths have in common. If you answer 'yes' to most of these questions, then officials will probably believe you have a religion.

But then, are you just talking? Or does religion play a part of your life?

*Will the staff or other witnesses agree that...*

YES NO

- ☐ ☐ your beliefs are sincere?
- ☐ ☐ you have believed for a while or show evidence of this new belief?
- ☐ ☐ someone kept you from exercising your right to religion?
- ☐ ☐ you have **talked with the Chaplaincy Department** and tried to work this out with the officials before writing a grievance?

**ADDITIONAL RESOURCES** -- U.S. Department of Justice Department (Sept. 22, 2010). Report on the Tenth Anniversary on the Religious Land Use and the Institutionalized Persons Act.



# THE RELIGION WORKSHEET

CONTINUED

*If you think the officials have a rule that keeps you from practicing your religious beliefs...*

YES NO

- ☐ ☐ does your religious belief contradict a prison rule?
- ☐ ☐ does your religious practice interfere with prison security?
- ☐ ☐ is the rule neutral and does it apply to all religions or all prisoners, generally speaking?

If you answer “no” to any of these questions, then that prison religion rule might violate the **First Amendment** or the **Religious Land Use and Institutionalized Person Act (RLUIPA)**.

## Research!

First talk with staff, and then with the Chaplaincy. If they cannot help you, you may file a **Step 1**. But be sure to explain how the rule could be changed that would help you and cause the least security trouble or staff time.

# THINK BEFORE YOU WRITE!



PRISON GRIEVANCES



# CONSTITUTIONAL AMENDMENTS

## AND HOW THEY AFFECT YOU



Inmates have **few** rights.



The courts decide the *meaning* of the rights you might have.



Three **Constitutional amendments** and a **congressional act** may relate to your rights within the prison system:

### 1st Amendment claim:

**C**ongress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### Most important to you:

Inmates have the right to petition (file a complaint) to the Government – but only if you have a problem that the Government can fix. You must know the rules and laws about those petitions.

The First Amendment guarantees **reasonable** freedoms of religion and speech, but judges have narrowed these rights within the prison. Courts balance the right against the safety and security of the prison. As long as the prison rule is rationally related to the safety and security of the prison, they will usually win.



# CONSTITUTIONAL AMENDMENTS

CONTINUED

## 8th Amendment claim:

**E**xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

You must prove that the officials or the prison rules are “**cruel and unusual**,” but it is difficult. You have to prove that they are *deliberately indifferent* to a serious problem. You have to show they actually *knew* about the problem. You also have to prove that they *ignored the problem*.

## 14th Amendment claim (Due Process):

♦♦♦ **N**o State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

So? The State can't take your life, or your liberty, or your property until the State has gone through the legal proceedings *designed to protect against error*. These proceedings have rules to protect and enforce private rights, including proper notice.

They also require a fair hearing before a **neutral decision maker** with the power to decide the case. All citizens, including inmates, are equally protected by law. For instance, you have the right to ask for help with **an informal complaint** and submit grievances.

If you are not satisfied with the answer, and you have followed the grievance rules, you have the right to file a lawsuit.



# PRISON LITIGATION REFORM ACT

In 1996, congress passed the **Prison Litigation Reform Act** because so many inmates filed lawsuits. The rules in the PLRA are a serious response to a serious problem. They want you to follow these rules to get a court to read your complaint.

*Among the rules you need to know:*

- 1) You must “exhaust administrative remedies.” That means following the federal rule, or the state requirement of your jail/prison...
  - first talk with prison unit guards or officials
  - then write a specific **Step 1** and get a reply
  - then write a specific **Step 2** explaining why the first decision was wrong, get a reply, and
  - finally, follow all the time limits when you finally file with the correct court.
- 2) Generally, you *cannot* file a suit for money damages for a mental or emotional injury unless you also have a provable physical injury too. You can file to ask that they change the prison policy. **Research!**
- 3) You will pay court filing fees taken monthly from your accounts.
- 4) **Three strikes:** Let’s say you have already filed three suits that the court said were *without* merit (frivolous, malicious, no basis in law). The **PLRA** says you will not be able to file again without paying the full court cost up front. The only exception is “imminent danger of serious physical injury.” **Research!**
- 5) **Good time:** The **PLRA** can allow the prison to take away good time...
  - if you file a claim that is merely malicious, or
  - if your stated problem isn’t against the law, or
  - if you file it solely to harass, or
  - if you give false information.

**SEARCH! RESEARCH! RESEARCH! NO KIDDING! RESEARCH! RESEARCH! SERIOUSLY! RESEARCH!**

**ADDITIONAL RESOURCES** -- *All-around help:* Prisoner’s Self-Help Litigation Manual by John Boston and Daniel E. Manville (2010) offers both rich advice and a discussion of legal cases you need to take your complaint into the courts. • **Prison Litigation Reform Act.** Research your jurisdiction for new cases. Some legal articles summarize cases, but beware their publication date, e.g., “The Civil Rights of Prisoners: The Seventh Circuit and the Exhaustion of Remedies Under the Prison Litigation Reform Act,” Devin McComb, 1 Seventh Circuit Rev., 46 (2006). • **Disabilities:** Helping Inmates Obtain Federal Disability Benefits, National Institute of Justice (NIJ), U.S. Department of Justice. • **Federal Prison statutes and legal issue:** useful, but you must research to update Legal Resource Guide to the Federal Bureau of Prisons 2008. • **Women’s Issues:** National Women’s Law Center and the Rebecca Project for Human Rights (Oct. 28, 2010), Mothers Behind Bars: state by state ...; an online directory is National Directory of Programs for Women Offenders <http://nicic.gov/wodp/>



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## This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.



# NOTES

AMAZON'S BARCODE PAGE



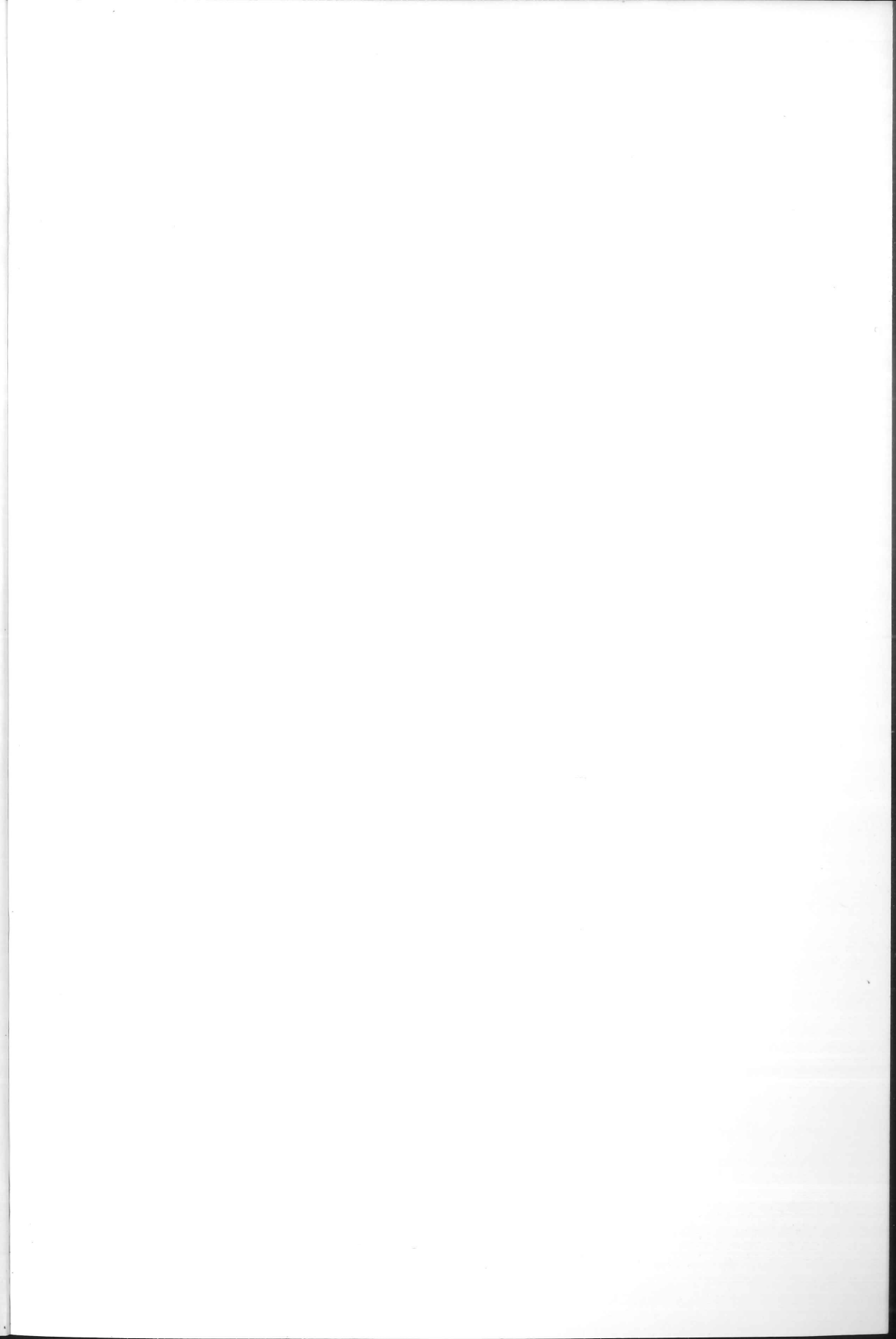




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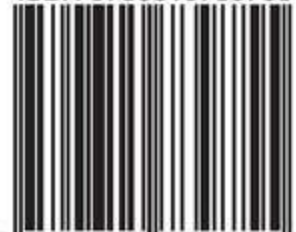




I *HATE*  
HOW LOUD  
THIS PLACE  
IS...

MAYBE  
TOMORROW,  
THERE'S A *CHANCE*  
LUNCH COULD BE  
*EDIBLE*. A  
CHANCE...

ISBN 9780615739755



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